

THE
JASPER
MUNICIPAL
CODE

Prepared by the
MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE

in cooperation with the
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TOWN OF JASPER, TENNESSEE

MAYOR

Billy Simpson

ALDERMEN

Paul Wayne Evans
Steve Looney
Leon Rash
Chip Wampler

RECORDER

Jo Ann Jones

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the town agrees to 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 Mrs. Tracy Gardner, the MTAS Senior Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

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

1. All ordinances shall be considered on two (2) separate days and may be passed by approval on both days by a majority of the members present, if a quorum, by calling ayes and noes. A quorum is a majority of the board. All ayes and noes on all votes on all ordinances shall be recorded. (6-2-102)

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

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. CITY ATTORNEY.
6. CODE OF ETHICS.

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN¹

SECTION

- 1-101. Time and place for regular meeting.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Form of ordinances.
- 1-105. Compensation of mayor and aldermen.
- 1-106. Terms of the mayor and aldermen.
- 1-107. Elected officers.

1-101. Time and place for regular meeting. The board of mayor and aldermen shall hold its regular monthly meeting at 6:00 P.M., local time, on the second Monday of each month at the Jasper Town Hall Annex located at 700 Phillips Avenue in Jasper, Tennessee. (1983 Code, § 1-101, as amended by Ord. # 182, Dec. 1991, Ord. # 185, April 1992, and Ord. #219, § 1, Oct. 1995, and replaced by Ord. #325, May 2008)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.

¹Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the board of mayor and aldermen, see the sections indicated.

- City Administrator: 6-4-101.
- Compensation: 6-3-109.
- Duties of Mayor: 6-3-106.
- Election of the board: 6-3-101.
- Oath: 6-3-105.
- Ordinance procedure
 - Publication: 6-2-101.
 - Readings: 6-2-102.
- Residence requirements: 6-3-103.
- Vacancies in office: 6-3-107.
- Vice-Mayor: 6-3-107.

- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) New business.
- (8) Adjournment. (1983 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1983 Code, § 1-103)

1-104. Form of ordinances.¹ Ordinances enacted by the board of mayor and aldermen shall be in substantially the following format:

ORDINANCE NO. _____

An ordinance to (briefly set out the title and purpose of the ordinance)
_____.

BE IT ORDAINED AND ENACTED by the board of mayor and aldermen of the Town of Jasper, of the County of Marion, and the State of Tennessee:

Section 1. That (set out ordinance provision)_____

(continue with additional sections as necessary).

Section __. That should any part of the ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Section __. That this ordinance shall take effect and be in force from and after (specify date) on final passage and publication, the public welfare requiring it.

¹See the charter, §§ 6-2-101 and 6-2-102 which relate to the ordinance adoption process.

Passed and approved by the board of mayor and aldermen, on final reading on the ____ day of _____, 19__.

(seal)

Mayor

ATTEST:

Recorder

Passed on 1st reading ____ (specify date) ____.

Passed on 2nd reading ____ (specify date) ____.

(1983 Code, § 1-104)

1-105. Compensation of mayor and aldermen. (1) The Mayor of the Town of Jasper shall devote such time as is necessary to competently carry out the duties of mayor as defined in Jasper Municipal Code § 1-201. The mayor shall be paid by the Town of Jasper a salary in the amount of thirty-six thousand nine hundred forty-one dollars and two cents (\$36,941.02) per fiscal year, plus all other benefits to which a full-time employee of the Town of Jasper is entitled, including medical insurance and retirement.

The alderman serving as vice-mayor shall be compensated in the amount of one hundred thirty-one dollars and twenty-five cents (\$131.25) for attendance at each regular and/or special meeting of the board of mayor and aldermen.

Each of the remaining aldermen shall receive compensation in the amount of one hundred five dollars (\$105.00) for attendance at each regular and/or special meeting of the board of mayor and aldermen. (1983 Code, § 1-105, as amended by Ord. #200, July 1993, replaced by Ord. #221, §§ 1 and 2, May 1996, amended by Ord. #234, § 1, Oct. 1997, and Ord. #241, Nov. 1998, replaced by Ord. #262, Nov. 2000, Ord. #273, Oct. 2001, Ord. #282, Dec. 2002, and Ord. #287, Jan. 2004, and amended by Ord. #293, Jan. 2005, Ord. #299, Feb. 2006, Ord. #310, Dec. 2006, Ord. #322, Nov. 2007, Ord. #335, Dec. 2008, Ord. #340, Nov. 2010, and Ord. #344, Oct. 2011)

1-106. Terms of the mayor and aldermen. The current staggered two-year terms of the mayor and aldermen of the Town of Jasper, Tennessee, shall be changed to staggered four-year terms, subject to the following provisions.

The position of mayor currently held by Larry Simcox and the position of alderman currently held by Jerry Rice shall be subject to re-election in 1993, and the individuals elected for those positions shall be so elected for a three-year term. After this initial election, all members of the board of mayor and aldermen shall be elected for four-year terms. (Ord. #196, Feb. 1993)

1-107. Elected officers. (1) The elected officers of the Town of Jasper, Tennessee, shall consist of four aldermen and one mayor.

(2) Wards 1 and 2 of the Town of Jasper as they currently exist are hereby abolished, and from henceforth, the Town of Jasper shall consist of only one ward from which the mayor and all aldermen shall be elected at large.

(3) The aldermen currently serving, to wit, Melvin N. Turner, Leon A. Rash, James D. Kirk, and Gerald K. White, shall continue to serve for the remainder of their elected terms as aldermen at large. (Ord. #198, Jun. 1993, as replaced by Ord. #269, June 2001)

CHAPTER 2

MAYOR¹

SECTION

1-201. Duties of mayor.

1-201. Duties of mayor. The mayor:

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

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

(3)(a) Shall make temporary appointments of any officer or department head in case of sickness, absence or other temporary disability.

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

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

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

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

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

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

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

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

¹Charter references

For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapters 1 through 3. For specific charter provisions on the following subjects related to the mayor, see the section indicated:

Vacancies in office: 6-3-107.

Vice-Mayor: 6-3-107.

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

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

(11) Administer the business of the municipality;

(12) Make recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(13) Keep the board fully advised as to the conditions and needs of the municipality.

(14) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(15) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(16) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and may propose personnel policies and procedures for approval of the board; and

(17) Perform such other duties as may from time to time be designated or required by the board. (1983 Code, § 1-201, modified)

CHAPTER 3

RECORDER¹

SECTION

- 1-301. Appointment and term.
- 1-302. To be bonded.
- 1-303. To keep minutes, etc.
- 1-304. To perform general administrative duties, etc.
- 1-305. Recorder and treasurer may be same person.

1-301. Appointment and term. The recorder shall be appointed by resolution of the board of mayor and aldermen and shall serve at its pleasure. (1983 Code, § 1-301)

1-302. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1983 Code, § 1-302)

1-303. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1983 Code, § 1-303)

1-304. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the governing body and for the municipality which are not assigned by the charter, this code, or the governing body to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1983 Code, § 1-304)

1-305. Recorder and treasurer may be same person. Nothing contained in the municipal code shall prohibit the same person from simultaneously holding the office of both the recorder and the treasurer. (1983 Code, § 1-305)

¹Charter references

City recorder: 6-4-201 et seq.

Recorder as treasurer: 6-4-401(c).

Recorder as judge: 6-4-301(b)(1)(C).

CHAPTER 4

TREASURER

SECTION

1-401. Appointment and term.

1-402. To be bonded.

1-403. Duties.

1-404. Treasurer and recorder may be same person.

1-401. Appointment and term. The treasurer shall be appointed by resolution of the board of mayor and aldermen and shall serve at its pleasure. (1983 Code, § 1-401)

1-402. To be bonded. The treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1983 Code, § 1-402)

1-403. Duties. It shall be the duty of the treasurer to receive and disburse such monies paid into the Town of Jasper and to perform other financial duties as are authorized and directed by the board of mayor and aldermen. (1983 Code, § 1-403)

1-404. Treasurer and recorder may be same person. Nothing contained in the municipal code shall prohibit the same person from simultaneously holding the office of both treasurer and recorder. (1983 Code, § 1-404)

CHAPTER 5

CITY ATTORNEY

SECTION

1-501. Office created.

1-502. Appointment and term.

1-503. Duties.

1-504. Salary.

1-505. Responsibility to successor.

1-501. Office created. There is hereby created for the Town of Jasper, Tennessee the office of city attorney. (1983 Code, § 1-1001)

1-502. Appointment and term. The city attorney shall by resolution of the board of mayor and aldermen be appointed for a term of one (1) year, which term shall commence on the first day of January. If for any reason the city attorney is succeeded during the term of his office, the term of his successor shall end the first day of January of the year following his appointment. However, any person appointed to the office of city attorney may also be removed at any time by a majority vote of the board of mayor and aldermen. (1983 Code, § 1-1002)

1-503. Duties. The city attorney shall represent the Town of Jasper in all legal matters and proceedings in which the town is interested, or in which any of its officers are officially interested; attend such meetings of the board of mayor and aldermen as he may be requested to attend; advise the board of mayor and aldermen and officials of the town as to all legal questions affecting the town's interest; approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the town; assist the mayor in general supervision of all business of the town; keep the board of mayor and aldermen informed as to the financial condition and needs of the town; and perform such other legal or administrative duties as may be from time to time designated by the board of mayor and aldermen. (1983 Code, § 1-1003)

1-504. Salary. The charges for the services of the city attorney shall be submitted to the board of mayor and aldermen quarterly, shall be based on the amount of time spent performing services for the town, and shall be paid from the department fund for which the services are related, if this can be determined, otherwise, if not, from the general fund. (1983 Code, § 1-1004, as replaced by Ord. #324, April 2008)

1-505. Responsibility to successor. The city attorney shall deliver all records, documents, and property of every description in his possession, belonging to his office or to the town, to his successor in office, who shall give him duplicate receipts therefor. (1983 Code, § 1-1005)

CHAPTER 6

CODE OF ETHICS¹

SECTION

- 1-601. Applicability.
- 1-602. Definition of "personal interest."
- 1-603. Disclosure of personal interest by official with vote.
- 1-604. Disclosure of personal interest in nonvoting matters.
- 1-605. Acceptance of gratuities, etc.
- 1-606. Use of information.
- 1-607. Use of municipal time, facilities, etc.
- 1-608. Use of position or authority.
- 1-609. Outside employment.
- 1-610. Ethics complaints.
- 1-611. Violations.

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

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

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

Conflict of interests disclosure statements: Tennessee Code Annotated, § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials: Tennessee Code Annotated, §§ 2-10-122, 124.

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

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

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

1-601. Applicability. This chapter is the code of ethics for personnel of the Town of Jasper. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "Town of Jasper," "municipal" and "municipality" include these separate entities. (as added by Ord. #314, March 2007)

1-602. Definition of "personal interest." (1) For purposes of §§ 1-603 and 1-604, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #314, March 2007)

1-603. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #314, March 2007) .

1-604. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #314, March 2007)

1-605. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the Town of Jasper:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #314, March 2007)

1-606. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #314, March 2007)

1-607. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the Town of Jasper. (as added by Ord. #314, March 2007)

1-608. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the Town of Jasper.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the Town of Jasper. (as added by Ord. #314, March 2007)

1-609. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the Town of Jasper's charter or any ordinance or policy. (as added by Ord. #314, March 2007)

1-610. Ethics complaints. (1) The town's attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The town's attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #314, March 2007)

1-611. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #314, March 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

(RESERVED FOR FUTURE USE)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. MUNICIPAL COURT.

CHAPTER 1

MUNICIPAL COURT¹

SECTION

- 3-101. Municipal judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Appearance bonds authorized.
- 3-107. Imposition of fines, penalties, and costs.
- 3-108. Appeals.
- 3-109. Bond amounts, conditions, and forms.
- 3-110. Disposition and report of fines, penalties, and costs.
- 3-111. Disturbance of proceedings.

3-101. Municipal judge. A municipal judge shall by resolution of the board of mayor and aldermen be appointed for a term of one (1) year, which term shall commence on the first day of January. If for any reason the municipal judge is succeeded during the term of his office, the term of his successor shall end on the first day of January of the year succeeding his appointment. However, a municipal judge appointed under any provision of this section shall be permitted to continue to hold office until his successor is appointed by the board of mayor and aldermen. In his absence, or in the event of a vacancy in the office the municipal judge, the mayor shall perform the duties of the municipal judge. (1983 Code, § 1-601)

3-102. Maintenance of docket. The municipal judge shall promulgate rules for his court and 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

¹Charter reference
City Judge -- City Court: 6-4-301.

committed to workhouse; and all other information which may be relevant. (1983 Code, § 1-602)

3-103. Issuance of arrest warrants.¹ The municipal judge and the mayor shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1983 Code, § 1-603)

3-104. Issuance of summonses. When a complaint of an alleged violation is made to the municipal judge or mayor, either may, in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the municipal court at a time specified therein to answer the charges against him. The summons shall contain a brief description of the offense but need not set out verbatim the provisions of the ordinance or state law alleged to have been violated. Upon failure of any person to appear before the municipal 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. (1983 Code, § 1-604)

3-105. Issuance of subpoenas. The municipal judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such subpoena to fail or neglect to comply therewith, and the judge may fine any persons who fail or neglect to comply with such subpoena. (1983 Code, § 1-605)

3-106. Appearance bonds authorized. When the judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, the alleged offender may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the judge, or in the absence of the judge, with the ranking police officer on duty at the time, or may in the discretion of the judge or ranking police officer be released without bond to appear before the municipal court at a day and time certain, provided such alleged offender is not drunk or otherwise in need of protective custody. (1983 Code, § 1-607)

3-107. Imposition of fines, penalties, and costs. All fines and costs shall be imposed and recorded by the municipal judge on the municipal court docket. Penalties and fines shall be imposed by the municipal judge at his discretion in accordance with the provisions of the Jasper Municipal Code. The fees and costs

¹See the Tennessee Code Annotated, title 40, chapter 6, for authority to issue warrants.

shall be assessed in the same amount and the same items allowed as in the Marion County General Sessions Court for similar work in state cases. These costs shall be determined as of the date of trial before the municipal judge and shall specifically include but not be limited to state litigation tax (currently \$29.50), the county litigation tax (currently \$32.50), the clerk's fee (currently \$40.00), the officer's fee (currently \$15.00) and the data processing fee (currently \$2.00). The current court costs will thus be one hundred nineteen dollars (\$119.00). In the municipal court's bill of cost, the charge made by the Marion County General Sessions Court for state and county litigation fees shall be referred to as the Town's litigation fee to the extent same exceeds the amount of litigation required to be remitted by the town to the state, which is currently \$13.75. The municipal judge may at the trial of the case for good cause shown suspend a fine and/or costs, but may at a subsequent date, upon violation of the terms of such suspension reinstate such fine and/or costs. (Ord. # 172, Jan. 1990, as replaced by Ord. #250, Nov. 1999)

3-108. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within the ten (10)¹ days next after such judgement is rendered, Sundays and legal holidays excepted, appeal to the next term of the Circuit Court of Marion County, upon posting a proper appeal bond. (1983 Code, § 1-609)

3-109. Bond amounts, conditions, and forms. An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance 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 Marion County. (1983 Code, § 1-610)

3-110. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the municipal judge in the form of fines, costs and forfeitures shall be recorded by him and paid over daily to the Town of Jasper. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current fiscal year. (1983 Code, § 1-611)

¹State law reference

Tennessee Code Annotated, section 27-5-101.

3-111. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane or blasphemous language, or by any distracting conduct whatsoever. (1983 Code, § 1-612)

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, 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 municipality shall take such action as may be required by applicable state and federal laws or regulations. (1983 Code, § 1-701)

4-102. Necessary agreements to be executed.¹ 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. (1983 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at

¹See Ordinance #212 (June 1995) of record in the recorder's office for amendments to the Social Security Agreement by and between the Town of Jasper, Tennessee, and the State Old Age and Survivors Insurance Agency.

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. (1983 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1983 Code, § 1-704)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1983 Code, § 1-705)

CHAPTER 2

PERSONNEL REGULATIONS¹

SECTION

- 4-201. Business dealings.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes and unions.
- 4-208. Approval of board of mayor and aldermen required.

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. (1983 Code, § 1-901)

4-202. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business. (1983 Code, § 1-902)

4-203. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1983 Code, § 1-903)

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 while on duty

¹For provisions relating to vacation and sick leave and other employee related matters not appearing in this chapter, see Ord. # 184, Feb. 1992, on file in the recorder's office.

and/or in uniform shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials. (1983 Code, § 1-904)

4-205. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body 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. (1983 Code, § 1-905)

4-206. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1983 Code, § 1-906)

4-207. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, 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. (1983 Code, § 1-907)

4-208. Approval of board of mayor and aldermen required. No person shall be employed, promoted, or discharged by the Town of Jasper unless approved by majority vote of the board of mayor and aldermen. The mayor and/or designated department head shall have the right to suspend and/or discipline an employee when deemed appropriate, however, the employee shall have the right to request the board of mayor and aldermen to review any such action by the mayor and/or department head in this regard.

Nothing in this section shall be construed as granting a property interest to any employee or department head of the Town of Jasper in their continued employment. (as added by Ord. #228, §§ 1 and 2, Dec. 1996)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Created.
- 4-302. Title.
- 4-303. Purpose.
- 4-304. Definitions.
- 4-305. Coverage.
- 4-306. Employer's rights and duties.
- 4-307. Employee's rights and duties.
- 4-308. Standards authorized.
- 4-309. Variance from standards authorized.
- 4-310. Abatement.
- 4-311. Inspection.
- 4-312. Administration.
- 4-313. Funding the program.
- 4-314. Compliance required.

4-301. Created. There is hereby created a safety and health program for the employees of the Town of Jasper. (1983 Code, § 1-1101)

4-302. Title. This section shall provide authority for establishing and administering the occupational safety and health program for the employees of Jasper. (1983 Code, § 1-1102)

4-303. Purpose. The Town of Jasper, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the State Commissioner of Labor or his designated representative, with regard to the adequacy of the forms and content of records.
- (5) Consult with the State Commissioner of Labor or the State Commissioner of Public Health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the

town and are such that they cannot be achieved under a standard promulgated by the state.

(6) Make an annual report to the State Commissioner of Labor to show accomplishments and progress of the total occupational safety and health program.

(7) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(8) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1983 Code, § 1-1103)

4-304. Definitions. For the purpose of this program established pursuant to this chapter:

(1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.

(2) "Commissioner of Public Health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Public Health.

(3) "Employer" means the Town, and shall include each administrative department, commission, board, division or other agency of the town.

(4) "Director of Safety and Health" means the chief executive officer designated by the town to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's safety and health program.

(5) "Inspector(s)" means the individual(s) appointed and designated by the Director of Safety and Health to conduct inspections provided for herein. If no such compliance inspection(s) is appointed, the inspections shall be conducted by the Director of Safety and Health.

(6) "Appointing Authority" means any town official or group of officials having legally designated powers of appointment, employment or removal for a specific department, commission, board, division or other agency of the town.

(7) "Employee" means any person performing services for the town and listed on town payrolls either as part-time, seasonal, or permanent, full-time employees; provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures.

(11) "Establishment" or workplace means a single physical location where business is conducted or where services or industrial operations are performed. (1983 Code, § 1-1104)

4-305. Coverage. The provisions of the program shall apply to employees of each administrative department, commission, board, division or other agency of the town. (1983 Code, § 1-1105)

4-306. Employer's rights and duties. Rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the State Commissioner of Labor and State Commissioner of Public Health in the performance of their monitoring duties by supplying necessary information to the Commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an Occupational Safety and Health Standard.

(6) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out.

(7) Employer shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or

material in excess of the applicable standards, of corrective action being taken by the town. (1983 Code, § 1-1106)

4-307. Employee's rights and duties. Rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee may bring to the attention of the person in charge of the program any violation of the standards or other health or safety hazard.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program. Any such charges of discrimination are subject to investigation by the Commissioner of Labor.

(8) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious ground, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (1983 Code, § 1-1107)

4-308. Standards authorized. The standards adopted by the Town of Jasper are the State of Tennessee Safety and Health Standards developed under Section 6 of the State Occupational Safety and Health Act of 1972. (1983 Code, § 1-1108)

4-309. Variance from standards authorized. The Town of Jasper may, upon written application to the State Commissioner of Labor or the State Commissioner of Public Health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and

present them with an opportunity for a hearing. The posting of notices on the main bulletin board as designated by the town, shall be deemed sufficient notice to employees. (1983 Code, § 1-1109)

4-310. Abatement. The program will provide for administrative procedures for abating hazards. (1983 Code, § 1-1110)

4-311. Inspection. (1) In order to carry out the purposes of this program resolution, the safety and health inspectors are authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, workplace, or environment where work is performed by an employee of the Town of Jasper and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee working therein.

(2) The Town of Jasper shall establish and maintain a system for collecting, maintaining, and reporting safety and health data.

(a) The program shall comply with the record keeping regulations pursuant to the Tennessee Occupational and Safety Act of 1972.

(b) After this chapter has been enacted, the Town of Jasper, shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees. (1983 Code, § 1-1111)

4-312. Administration. For the purposes of this chapter, the mayor has the authority to designate the director of the Safety and Health Program to perform duties or to exercise powers assigned so as to plan, develop, and administer the town's Occupational Safety and Health Program. (1983 Code, § 1-1112)

4-313. Funding the program. Sufficient funds for administering the program pursuant to this ordinance shall be made available as authorized by the budgeting authority. (1983 Code, § 1-1113)

4-314. Compliance required. (1) Compliance with any other law, statute or town ordinance which regulates safety and health in employment and places of employment shall not excuse the town or any town employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of the program pursuant to this resolution or any standard or regulation promulgated pursuant to this program shall not excuse the town or any town employee, or any other person from compliance with any state law or town ordinance regulating and promoting safety and health unless such law or ordinance is specifically repealed. (1983 Code, § 1-1114)

CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statements.
- 4-406. General guidelines.
- 4-407. Hepatitis B vaccinations.
- 4-408. Reporting potential exposure.
- 4-409. Hepatitis B virus post-exposure management.
- 4-410. Human immunodeficiency virus post-exposure management.
- 4-411. Disability benefits.
- 4-412. Training regular employees.
- 4-413. Training high risk employees.
- 4-414. Training new employees.
- 4-415. Records and reports.

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

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. # 189, July 1992)

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

- (1) Paramedics and Emergency Medical Technicians;
- (2) Occupational Nurses;
- (3) Housekeeping and Laundry Workers;
- (4) Police and Security personnel;

- (5) Firefighters;
- (6) Sanitation and Landfill Workers; and
- (7) Any other employees deemed to be at high risk per this policy and an exposure determination. (Ord. # 189, July 1992)

4-403. Administration. This Infection Control policy shall be administered by the Police Chief who shall have the following duties and responsibility:

- (1) Exercise leadership in implementation and maintenance of an effective Infection Control policy subject to the provisions of this chapter, other ordinances, the city charter, and Federal and State law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- (3) Maintain records of all employees and incidents subject to the provisions of the chapter;
- (4) Conduct periodic inspections to determine compliance with the Infection Control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the Infection Control policy;
- (6) Prepare and recommend to the Board of Mayor and Aldermen any amendments or changes to the Infection Control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the Board of Mayor and Aldermen. (Ord. # 189, July 1992)

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

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

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

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with potentially infectious materials to be detected as though such body fluid were HBV or HIV infected. (Ord. # 189, July 1992)

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

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. # 189, July 1992)

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

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

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

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

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand,

removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.

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

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

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

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

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

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

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

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

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

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

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous"

dumpster. NOTE: Sharp objects must be placed in an impervious container and properly disposed of.

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

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. # 189, July 1992)

4-407. Hepatitis B vaccinations. The Town of Jasper shall offer the appropriate Hepatitis B Vaccination to employee at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. # 189, July 1992)

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

(1) Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.

(2) Complete the appropriate accident reports and any other specific form required.

(3) Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (Hbsag) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. # 189, July 1992)

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

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

If the source individual is negative for Hbsag and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. # 189, July 1992)

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

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV.

These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. # 189, July 1992)

4-411. Disability benefits. Entitlement to disability benefits and other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. # 189, July 1992)

4-412. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or potentially infectious material. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. # 189, July 1992)

4-413. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal, protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (Ord. # 189, July 1992)

4-414. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of Infectious Disease prior to putting them to work. (Ord. # 189, July 1992)

4-415. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the Infectious Disease Control Coordinator. Statistics shall be maintain on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (ie.

gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

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

(4) Employee interviews. Should the town be inspected by the U.S. Department of Labor Office of Health Compliance, the Compliance Safety and Health Officer may wish to interview employees. Employees are expected to cooperate fully with the Compliance Officers. (Ord. # 189, July 1992)

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

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

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

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

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

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

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

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

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

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. # 189, July 1992)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

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

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

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #201, Sept. 9, 1993)

4-502. Enforcement. The chief administrative officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #201, Sept. 9, 1993)

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

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

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

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

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

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

(6) To qualify for reimbursement, travel expenses must be: directly related to the conduct of the town business for which travel was authorized, and 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 town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #201, Sept. 9, 1993)

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

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #201, Sept. 9, 1993)

4-505. Administrative procedures. The town adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures may be found in the appendix at the end of this municipal code. (Ord. #201, Sept. 9, 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

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

5-101. Official depository for town funds. The following banks and/or their successors in interest, are hereby designated as the official depositories for all municipal funds: AmSouth Bank, Citizens State Bank, Citizens Tri-County Bank, and First Volunteer. (1983 Code, § 6-101, as replaced by Ord. #263, Nov. 2000)

5-102. Fiscal year. The fiscal year for the town shall be from July 1 to June 30. All budgetary matters shall coincide with the above dates. (1983 Code, § 6-102)

¹Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, section 6-4-402.

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. Tax levied.

5-202. When due and payable.

5-203. When delinquent--interest charged.

5-201. Tax levied. There is hereby levied a tax on all real property within the boundaries of the town which is taxable by municipalities under the laws of the State of Tennessee. (1983 Code, § 6-201)

5-202. When due and payable.¹ Taxes levied by the town on real property shall become a lien upon all such property on and after the first day of January of each year and shall become due and payable on and after the first day of October in the year for which levied. (1983 Code, § 6-202)

5-203. When delinquent--interest charged.² All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and thereupon shall be subject to bear interest and penalties

¹State law references

Tennessee Code Annotated, sections 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.

²Charter and state law reference

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

at the maximum rate provided by the laws of the State of Tennessee pertaining to municipal taxes.¹ (1983 Code, § 6-203)

¹Charter and state law references

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

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

CHAPTER 3

PRIVILEGE TAXES¹

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, title 67, chapter 58) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act. (1983 Code, § 6-301)

5-302. License required. No person shall exercise any taxable privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1983 Code, § 6-302)

¹See the footnote at the beginning of this title for charter references relating to privilege taxes.

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 town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1983 Code, § 6-401)

¹State law reference

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

CHAPTER 5

MUNICIPAL PURCHASING

SECTION

5-501. Public advertisement and competitive bidding.

5-502. Purchases greater than five hundred (\$500.00) dollars.

5-501. Public advertisement and competitive bidding. Pursuant to Tennessee Code Annotated, § 6-56-306, the dollar amount required by the Town of Jasper, Tennessee for public advertisement and competitive bidding is increased to ten thousand (\$10,000.00) dollars. (Ord. # 186, May 1992, as amended by Ord. #266, March 2001, and replaced by Ord. #274, Oct. 2001)

5-502. Purchases greater than five hundred (\$500.00) dollars. No department head and/or employee of the Town of Jasper shall make any purchase and/or obligate the Town of Jasper for any sum greater than five hundred (\$500.00) dollars, without first obtaining a purchase order approved by the mayor, the vice-mayor, and/or the alderperson assigned to the involved department. The purchase order must describe the item/items to be purchased, the location where the item is to be utilized, and the purchase price. Notwithstanding this requirement, it is specifically understood that no purchase shall be made by any department head, employee, and/or official of the Town of Jasper, Tennessee, without the funds for said purchase having been appropriately authorized and/or budgeted by the board of mayor and aldermen. (as added by Ord. #266, March 2001)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST¹

SECTION

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

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1983 Code, § 1-501)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1983 Code, § 1-502)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1983 Code, § 1-503)

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

¹Municipal code reference

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

- (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 a reasonable cause to believe the person has committed it. (1983 Code, § 1-504)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1983 Code, § 1-505)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than involving public drunkenness, he shall be brought before the municipal court for immediate trial or allowed to post bond. However, any person arrested for a traffic violation who has in his lawful possession a valid driver's license issued by the State of Tennessee or any other state or territory or the District of Columbia shall have the option of depositing his driver's license with the officer or court demanding bail or other security, unless the penalty for the violation includes the mandatory revocation of the driver's license for a period of time. When an arrested person is drunk or when the municipal judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined or the offender may, in the discretion of the officer, be cited to appear before the municipal court at a day and time certain, without the requirement of an appearance bond. (1983 Code, § 1-506)

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

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1983 Code, § 1-507)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. MISCELLANEOUS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. [REPEALED.]

CHAPTER 1

MISCELLANEOUS

SECTION

7-101. Fire district limits established; boundaries.

7-101. Fire district limits established; boundaries.² The fire district is established within the corporate limits and shall have the following boundaries:

Beginning at the intersection of Magnolia Avenue and Main Street, and running thence northwardly with Magnolia Avenue to West Second Street; thence eastwardly with West Second Street to Betsy Pack Drive; thence northwardly with Betsy Pack Drive to Fourth Street East; thence eastwardly with Fourth Street East to Phillips Street; thence southwardly with Phillips Street to Second Street East; thence eastwardly with Second Street East to Webb Place; thence southwardly with Webb Place to Griffith Street; thence westwardly on line crossing the L & N Railroad to Simpson Street; thence westwardly with Simpson Street to Oak Avenue; thence northwardly with Oak Avenue to Main

¹Municipal code reference

Building, utility and housing codes: title 12.

²The significance of the fire district is that Chapter III of the Standard Building Code, applicable to the Town of Jasper through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits hazardous (Group H) occupancies within the fire district. Chapter IV, Section 408 of the Standard Building Code defines hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

Street; thence westwardly with Main Street to the point of beginning.
(1983 Code, § 7-101)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "authority having jurisdiction."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2006 edition, with all subsequent revisions and appendixes thereto, is hereby adopted by reference and is included as a part of this code. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-501, one (1) copy of the said International Fire Code, 2006 edition, has been filed with the recorder and is available for public use and inspection. Said International Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits, except the chapter on fireworks is deleted therefrom in its entirety.³ (Ord. # 179, July 1991, modified, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-202. Enforcement. The International Fire Code, 2006 edition, herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1983 Code, § 7-202, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-203. Definition of "authority having jurisdiction." Whenever the words "authority having jurisdiction" are used in the International Fire Code, 2006 edition herein adopted, it shall be interpreted to mean the Town of Jasper,

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

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

³Municipal code reference
Fireworks: title 7, chapter 4.

Tennessee, with the enforcement officer being the Chief of the Fire Department of said Town of Jasper. (1983 Code, § 7-203, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-204. Storage of explosives, flammable liquids, etc. (1) The district referred to in the International Fire Code, 2006 edition, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this chapter.

(2) The district referred to in the International Fire Code, 2006 edition, in which storage of flammable liquids in outside above ground tanks is prohibited, is hereby declared to be the fire district as set out in § 7-101 of this chapter.

(3) The district referred to in the International Fire Code, 2006 edition, 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 chapter.

(4) The district referred to in the International Fire Code, 2006 edition, 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 chapter. (1983 Code, § 7-204, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

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. (1983 Code, § 7-205, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-206. Variances. The chief of the fire department may recommend to the governing body variances from the provisions of the International Fire Code, 2006 edition, upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1983 Code, § 7-206, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code, 2006 edition herein adopted, or fail to comply therewith, or violate 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 modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application

of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1983 Code, § 7-207, as replaced by Ord. #300, Oct. 2006, and Ord. #331, Nov. 2008)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Funding of volunteer fire department.
- 7-303. Objectives.
- 7-304. Fire chief and volunteers.
- 7-305. Compensation.
- 7-306. Organization, rules and regulations.
- 7-307. Records and reports.
- 7-308. Duration of service.
- 7-309. Chief responsible for training.
- 7-310. Chief to be assistant to state officer.
- 7-311. Personnel and equipment to be used only within corporate limits generally.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen and from other contributions. All apparatus, equipment, and supplies of the fire department shall be purchased with the approval of the fire chief and authorized by the board of mayor and aldermen and shall be and remain the property of the town. (1983 Code, § 7-301, as replaced by Ord. #259, Aug. 2000)

7-302. Funding of volunteer fire department. The board of mayor and aldermen shall provide for the operations of the volunteer fire department in its annual budget. Any funds raised by the volunteer fire department, or by any individual or group of volunteer fireman, may be accepted by the board of mayor and aldermen, and may be used for purposes designated by the respective contributors. All equipment, materials, supplies, etc., purchased with contributed funds, shall become the property of the Town of Jasper, Tennessee. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the Town of Jasper. (1983 Code, § 7-302, as replaced by Ord. #259, Aug. 2000)

7-303. Objectives. The volunteer fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting;

¹Municipal code reference

For special privileges with respect to traffic, see title 15, chapter 2.

- (2) To prevent the loss of life and property because of fires;
- (3) To confine fires to their places of origin;
- (4) To extinguish uncontrolled fires;
- (5) To prevent loss of life from asphyxiation or drowning;
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (7) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (8) To provide code enforcement and building inspections as directed by the town within adopted codes and ordinances;
- (9) To assist the Marion County Emergency Management Agency and to coordinate its activities therewith when deemed necessary;
- (10) To protect the health and safety of the citizens from the transportation, storage, or manufacturer of hazardous materials to the extent possible, that the level of equipment and training will allow;
- (11) To work with the water department to ensure that adequate water supplies for fire protection are available;
- (12) To provide public fire education materials and information to the citizens in the order that they may protect themselves from harm. (1983 Code, § 7-303, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #264, Dec. 2000)

7-304. Fire chief and volunteers. The volunteer fire department shall be composed of a fire chief, appointed by the board of mayor and aldermen, and up to, but not to exceed three assistant fire chiefs, and up to, but not to exceed four line officers, and as many firemen as the fire chief deems is necessary for the operation of the department. The fire chief shall nominate and submit to the board of mayor and aldermen for approval, any officer nominated for a position, or any person joining the department. (1983 Code, § 7-304, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-305. Compensation. The chief of the volunteer fire department shall be a full time employee of the Town of Jasper, who shall be compensated as a salaried employee as determined by the board of mayor and aldermen. All other personnel of the volunteer fire department shall receive such compensation for their services as the board of mayor and aldermen may, from time to time, determine appropriate. (1983 Code, § 7-305, as replaced by Ord. #259, Aug. 2000)

7-306. Organization, rules and regulations. The fire chief shall set up the organization of the department and shall formulate and enforce rules and regulations as necessary for the orderly and efficient operation of the department, which rules and regulations must be approved by the board of mayor and aldermen. It will be the fire chief's duty to make definite

assignments to individuals to enforce all rules and regulations as adopted by the board. (1983 Code, § 7-306, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-307. Records and reports. The chief of the volunteer 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 board of mayor and aldermen once each month at its regularly held meeting, and at the end of the fiscal year, a detailed annual report shall be made. (1983 Code, § 7-307, as replaced by Ord. #259, Aug. 2000)

7-308. Duration of service. The fire chief shall hold office at the will of the board of mayor and aldermen. So that adequate discipline may be maintained, the fire chief may suspend any member of the department up to, but not to exceed, seventy-two (72) hours. Any suspension for a time period longer than seventy-two (72) hours shall be with the approval of the alderman in charge of the fire department, or in his absence, the mayor. Any such suspension must be for violation of the rules and regulations of the department, or for moral character misconduct. The person suspended shall be notified in writing at the time of the suspension. The fire chief may elect to give a written warning to a fireman rather than to suspend for a first time violation. No volunteer shall be discharged without approval of the board of mayor and aldermen. The fire chief may be suspended by the mayor, but may be dismissed only upon a majority vote of the board of mayor and aldermen. (1983 Code, § 7-308, as replaced by Ord. #259, Aug. 2000; and amended by Ord. #265, March 2001)

7-309. Chief responsible for training. The chief of the volunteer fire department shall be responsible for the training of the members of the fire department and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (as added by Ord. #259, Aug. 2000)

7-310. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108(b)(2), the chief of the volunteer fire department is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all the duties and obligations imposed by chapter 102 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (as added by Ord. #259, Aug. 2000)

7-311. Personnel and equipment to be used only within corporate limits generally. No personnel and/or equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on town

owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located with the town as to endanger such town property or unless authorized pursuant to a mutual aid firefighting agreement, which agreement has been approved by the municipal governing body. (as added by Ord. #259, Aug. 2000)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Manufacture prohibited.
- 7-402. Storage, sale and use restricted.
- 7-403. Special displays; permit required.
- 7-404. Exceptions.

7-401. Manufacture prohibited. It shall be unlawful for any person, firm, partnership or corporation to manufacture within the corporate limits of Jasper pyrotechnics, commonly known as fireworks, of any kind or description. (1983 Code, § 7-401)

7-402. Storage, sale and use restricted. It shall be unlawful for any person, firm, partnership or corporation to store or sell in, or ship into, the corporate limits of Jasper any pyrotechnics, commonly known as fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, section 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) The storage and sale of permissible fireworks is prohibited within the fire district described in section 7-101 of this title and shall be subject to the restrictions contained in the zoning ordinance for the Town of Jasper¹ and applicable building codes.

(2) Any person, firm, partnership or corporation desiring to store and sell fireworks within the corporate limits of Jasper shall make application for a permit to do so on forms provided for that purpose. The application shall be accompanied by a fee of ten dollars (\$10.00).

The application shall include the name of the person making the application, the firm, partnership, or corporation he represents, the business address of both the applicant and the partnership, firm, or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated and any other information the recorder deems pertinent to aid in the investigation of the application.

The recorder shall refer the application to the fire chief who shall interview the applicant and inspect the premises in which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to insure that the premises and its

¹Municipal code reference
Zoning ordinance: title 14.

operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire chief shall make a written report of his investigation to the recorder within 72 hours which shall indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on authority which the fire chief shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire chief approves the application the recorder shall issue a permit. If the fire chiefs approval is qualified, the restrictions and conditions imposed by the fire chief upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the board of mayor and aldermen within fourteen (14) days after the denial or the issuance of the permit containing conditions and restrictions by giving the recorder written notice of appeal. Pending appeal by a permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

(3) No fireworks shall be sold from a tent or other temporary structure that does not contain at least one thousand (1,000) square feet. Only retail sales will be permitted from such a structure. The retailer must further agree that there will be an employee/representative present at said location the entire twenty-four (24) hours of each day that fireworks are maintained at said location. The retailer shall further be required to agree to any such other requirements as may be placed upon said retailer by the Town of Jasper's Fire Chief.

(4) Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks - no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers, nor where resin, turpentine, gasoline, or other inflammable substance which may generate inflammable vapors is used, stored, or sold.

(5) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, public school, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any

ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people. (1983 Code, § 7-402, as amended by Ord. #326, June 2008)

7-403. Special displays; permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulation of the interstate commerce commission as "class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the state fire marshal. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the town of Jasper. Permits issued shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (1983 Code, § 7-403)

7-404. Exceptions. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser shall first secure a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, after approval of the county agricultural agency of the county in which said fireworks are to be used and said fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferrable. (1983 Code, § 7-404)

CHAPTER 5

OPEN BURNING

This chapter was repealed by Ord. #267, March 2001. (as added by Ord. #251, Jan. 2000, and repealed by Ord. #267, March 2001)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. BEER.
2. INTOXICATING LIQUORS.
3. CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES.

CHAPTER 1

BEER

SECTION

- 8-101. Beer board established.
- 8-102. Meetings of the beer board.
- 8-103. Record of beer board proceedings to be kept.
- 8-104. Requirements for beer board quorum and action.
- 8-105. Powers and duties of the beer board.
- 8-106. "Beer" defined.
- 8-107. Permit required for engaging in beer business.
- 8-108. Beer permits shall be restrictive.
- 8-109. Interference with public health, safety, and morals prohibited.
- 8-110. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-111. Prohibited conduct or activities by beer permit holders.
- 8-112. Revocation of beer permits.
- 8-113. Privilege tax.
- 8-114. Civil penalty in lieu of suspension.

8-101. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The beer board shall be vested with the authority to issue, suspend or revoke permits for the storage and sale of beer or ale or beverage of a like alcoholic content within the corporate

¹Municipal code references

Minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5.

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).

limits of Jasper, Tennessee. The mayor shall be chairman of the beer board. (1983 Code, § 2-101)

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1983 Code, § 2-102)

8-103. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1983 Code, § 2-103)

8-104. 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. (1983 Code, § 2-104)

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (1983 Code, § 2-105)

8-106. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1983 Code, § 2-106)

8-107. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to TCA § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said

fee shall be in the form of a cashier's check payable to the Town of Jasper.¹ Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (1983 Code, § 2-107, as amended by Ord. #203, Sept. 9, 1993)

8-108. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. 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. (1983 Code, § 2-108)

8-109. 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. The distance shall be measured in a straight line between the nearest points on the respective property lines. (1983 Code, § 2-110)

8-110. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1983 Code, § 2-111)

8-111. Prohibited conduct or activities by beer permit holders. It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Employ any person under eighteen (18) years of age in the sale, storage, distribution, or manufacture of beer. (This provision shall not apply to grocery stores selling beer for off-premises consumption only.)

¹State law reference

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

(3) Any beer permit holder authorized to make sales for on-premise consumption shall not make any such sales between the hours of 12:00 midnight and 6:00 A.M. during any day of the week or between the hours of 12:00 midnight on Saturday and 12:00 noon on Sunday. This restriction does not apply to the sale of beer for off-premise consumption, and same may be made by a legally authorized permit holder at any time.

(4) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

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

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

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

(8) Fail to provide and maintain separate sanitary toilet facilities for men and women. (1983 Code, § 2-112, as amended by Ord. #203, Sept. 1993, and Ord. #237, Aug. 1998, and replaced by Ord. #315, May 2007)

8-112. Revocation of beer permits. The beer board shall have the power to revoke 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. Complaints brought for the purpose of suspending or revoking such permits shall be made in writing and filed with the chairman of the beer board who shall give written notice, accompanied by a copy of the written complaint, to the holder of the beer permit commanding the holder to appear before the beer board at a time and place designated in the notice, and show cause why the permit should not be suspended or revoked. The notice shall be served by an officer authorized by law or ordinance to serve process for the town, or by registered letter, at least ten (10) days prior to the date of the hearing to which the holder of the beer permit is cited to appear. During the hearing the beer board shall publicly hear and determine the nature and merits of the complaint, and for this purpose the chairman of the board is authorized to compel the attendance of witnesses by subpoena, and after the hearing the beer board may for proper cause suspend or revoke the beer permit in question. (1983 Code, § 2-113)

8-113. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the Town of Jasper, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #203, Sept. 9, 1993)

8-114. 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, 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. #203, Sept. 9, 1993)

CHAPTER 2

INTOXICATING LIQUORS

SECTION

- 8-201. Definitions.
- 8-202. Dealers in alcoholic beverages subject to regulations.
- 8-203. Manufacture of alcoholic beverages prohibited.
- 8-204. Wholesalers.
- 8-205. Certificate of good moral character a prerequisite for a retail permit.
- 8-206. Content of application for certificate of good moral character.
- 8-207. Misrepresentation or concealment.
- 8-208. Restrictions on issuance of certificate of good moral character.
- 8-209. Investigation fee.
- 8-210. Miscellaneous restrictions on licensees and their employees.
- 8-211. Nature and revocability of license.
- 8-212. Display of license.
- 8-213. Maximum number of licenses.
- 8-214. Location of liquor store.
- 8-215. License non-transferable.
- 8-216. Limited times of operation.
- 8-217. Minors, persons visibly intoxicated, and habitual drunkards.
- 8-218. Consumption on premises prohibited.
- 8-219. Inspection fee.
- 8-220. Inspection fee reports.
- 8-221. Records to be kept by licensee.
- 8-222. Inspections.
- 8-223. Effect of failure to report and pay inspection fee.
- 8-224. Use of funds derived from inspection fees.
- 8-225. Other violations by licensee.
- 8-226. Licensee's responsibility.
- 8-227. Initial applications.

8-201. Definitions.¹ Whenever used in this chapter the following terms shall have the following meanings unless the context necessarily requires otherwise:

(1) "Alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits or wine and capable of being consumed by a human being, other than patent medicine, beer or wine, where

¹State law reference

Tennessee Code Annotated, section 57-3-101.

either of the latter has an alcoholic content of five percent (5%) by weight, or less.

(2) "Applicant" means the party applying for a certificate of good moral character or a license.

(3) "Application" means the form or forms an applicant is required to file in order to obtain a certificate of good moral character or license.

(4) "Bottle" means any container, vessel, bottle or other receptacle used for holding any alcoholic beverage. "Unsealed bottle" means a bottle with the original seal, cork, cap or other enclosing device either broken or removed, or on which the federal revenue strip stamp has been broken.

(5) "Board" means the board of mayor and aldermen of the town.

(6) "Certificate of good moral character" means the certificate provided for in Tennessee Code Annotated, title 57, chapter 3, in connection with the prescribed procedure for obtaining a State Liquor Retailer's License.

(7) "Town" means the Town of Jasper, Tennessee.

(8) "City recorder" means the city recorder of the town.

(9) "Corporate limits" means the corporate limits of the town as the same now exist or may hereafter be changed.

(10) "Distiller" means any person who owns, occupies, carries on, works, conducts or operates any distillery either by himself or by his agent.

(11) "Distillery" means and includes any place or premises wherein any alcoholic beverage is manufactured for sale.

(12) "Federal statutes" means the statutes of the United States now in effect or as they may hereafter be changed.

(13) "Inspection fee" means the monthly fee a licensee is required by this ordinance to pay, the amount of which is determined by a percentage of the gross sales of a licensee.

(14) "License" means a license issued by the state under the provisions of this chapter for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail in the town.

(15) "Licensee" means the holder of a license.

(16) "Liquor store" means the building or the part of a building where a licensee conducts any of the business authorized by his license.

(17) "Manufacturer" means and includes a distiller, vintner and rectifier of alcoholic beverage. "Manufacture" means and includes distilling, rectifying and operating any winery or any device for the production of alcoholic beverages.

(18) "Person" shall mean and include an individual, partner, association or corporation.

(19) "Rectifier" means and includes any person who rectifies, purifies or refines any alcoholic beverage by any process other than as provided for on distillery premises, and also any person who, without rectifying, purifying or refining an alcoholic beverage, shall, by mixing an alcoholic beverage with any other material, thereby manufacture any imitation thereof, or who compounds

an alcoholic beverage for sale under the name of: whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name.

(20) "Retail sale" or "sale at retail" means a sale of alcoholic beverage to a consumer or to any person for any purpose other than for resale.

(21) "Sale or sell" means and includes the exchange or barter of alcoholic beverage, and also any delivery made otherwise than gratuitously of alcoholic beverage; the soliciting or receiving of an order for alcoholic beverage; the keeping, offering or exposing alcoholic beverage for sale.

(22) "State alcoholic beverage commission" means the Tennessee Alcoholic Beverage Commission, provision for which is made in the state statutes, including without limitation the provisions of Tennessee Code Annotated, title 57.

(23) "State rules and regulations" means all applicable rules and regulations of the State of Tennessee applicable to alcoholic beverages, as now in effect or as they may hereafter be changed, including without limitation the local option liquor rules and regulations of the state.

(24) "State statutes" means the statutes of the State of Tennessee now in effect or as they may hereafter be changed.

(25) "Vintner" means any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent.

(26) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe, grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including also champagne sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit, or other product from which the same was predominantly produced or unless designated as an artificial or imitation wine.

(27) "Winery" means an includes any place or premises wherein wine is manufactured or brandies are distilled as the by-product of wine or where cordials are compounded.

(28) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(29) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57, chapter 3.

(30) "Words importing the masculine gender shall include the feminine and neuter, and the singular shall include the plural." (1983 Code, § 2-201)

8-202. Dealers in alcoholic beverages subject to regulations.¹ It shall be unlawful for any person either to engage in the business of selling, storing, transporting, or distributing any alcoholic beverage within the corporate limits of the town or to sell, store, transport, distribute, purchase or possess any alcoholic beverage within the corporate limits of the town, except as provided by the state statutes, by the state rules and regulations, by the federal statutes and by this chapter. (1983 Code, § 2-202)

8-203. Manufacture of alcoholic beverages prohibited. It shall be unlawful for any person to manufacture any alcoholic beverage within the corporate limits of the town. (1983 Code, § 2-203)

8-204. Wholesalers.² Unless hereafter authorized by an ordinance of the town, no wholesaler's license shall be granted to any person for the operation within the corporate limits of the town of any business for the sale at wholesale of any alcoholic beverage. Any wholesaler, whose business is located outside the town and who holds a valid state license, and who has paid to the town all privilege taxes and fees applicable to such wholesale business, may sell, at wholesale, any alcoholic beverage to a licensee in the town and such licensee may purchase any alcoholic beverage from such wholesaler, but only as provided by the state statutes, the state rules and regulations, the federal statutes, and by this chapter. (1983 Code, § 2-204)

8-205. Certificate of good moral character a prerequisite for a retail permit. Certificate of good moral character shall be a prerequisite for a retail permit to sell alcoholic beverages in the Town of Jasper. To be eligible to apply for or to receive a certificate of good moral character, an applicant must satisfy the requirements of this chapter and the state statutes and state rules and regulations for a holder of a state liquor retailer's license.³ (1983 Code, § 2-205, as replaced by Ord. #308, Oct. 2006)

8-206. Content of application for certificate of good moral character. Each applicant for a certificate of good moral character shall file with the board of mayor and aldermen a completed form of application, on a form to be provided by the board of mayor and aldermen, which shall contain the following

¹State law reference

Tennessee Code Annotated, sections 57-3-102 and 57-3-204.

²State law reference

Tennessee Code Annotated, section 57-3-203.

³State law reference

Tennessee Code Annotated, sections 57-3-204 and 57-3-208.

information: (a) the name and street address of each person to have any interest, direct or indirect, in the licensee as owner, partner, or stockholder, director, officer or otherwise; (b) the name of the liquor store to be operated under the license; (c) the address of the liquor store to be operated under the license and zoning designation application to such location; (d) the statement that each applicant has either resided within the corporate limits of the town as the same now exist during the two (2) consecutive years immediately preceding the date the application is filed; (e) the names and addresses of at least three (3) residents of the town who have known each applicant for at least two (2) years; (f) the agreement of each applicant to comply with the state statutes, federal statutes, this chapter and with the state rules and regulations with reference to the sale of alcoholic beverages; (h) the agreement of each applicant that he will be actively engaged in the retail sale of alcoholic beverages at the liquor store described in the application within one hundred and twenty (120) days after the license is granted to such applicant. The application form shall be accompanied by a copy of each application, and each questionnaire form and other material to be filed by the applicant with the state alcoholic beverage commission in connection with this same application and shall also be accompanied by five (5) copies of a plan drawn to a scale of not less than one (1) inch equals twenty (20) feet, giving the following information: (1) the shape, size, and location of the lot upon which the liquor store is to be operated under the license; (2) the shape, size, height, and location of all buildings, whether they are to be erected, altered, moved, or existing, upon the lot; (3) the off-street parking space and the off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and (4) the identification of every parcel of land within three hundred (300) feet of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structures situated thereon and the use being made of every such parcel. The application form shall be signed and verified by each person to have any interest in the licensee, either as owner, partner, or stockholder, director, officer or otherwise. If, at any time, the applicable state statutes shall be changed so as to dispense with the requirements of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the board of mayor and aldermen.

The recorder shall review each application, note any apparent questions, errors and insufficiencies and submit same to the board of mayor and aldermen for consideration and action.¹ (1983 Code, § 2-206)

¹State law reference

Tennessee Code Annotated, section 57-3-208.

8-207. Misrepresentation or concealment. A misrepresentation or concealment of any material fact in any application shall constitute a violation of this chapter, and the board shall forthwith report such violation to the State Alcoholic Commission together with the request that the State Alcoholic Beverage Commission take action necessary to revoke or refuse to grant or renew a license to an applicant guilty of such misrepresentation or concealment.¹ (1983 Code, § 2-207)

8-208. Restrictions on issuance of certificate of good moral character.

(1) No certificate of good moral character shall be issued unless a license issued on the basis thereof to such applicant can be exercised without violating any provision of this chapter, the state statutes, the state rules and regulations or the federal statutes.

(2) The board of mayor and aldermen shall not sign any certificate of good moral character for any applicant until (a) such applicant includes in his application a statement that if he is granted a certificate of good moral character he will open his liquor store with a minimum inventory of twenty thousand (\$20,000.00) dollars in wholesale value and that his liquor store will have at least five hundred (500) square feet of floor space; (b) such applicant's application has been filed with the board; (c) the location stated in the application has been approved by the board as a suitable location for the operation of a liquor store; and (d) the application has been considered at a meeting of the board and approved by a majority vote of the entire board.² (1983 Code, § 2-208)

8-209. Investigation fee. Each application for a certificate of good moral character filed with the town shall be accompanied by a \$10.00 fee payable to the town for investigating the applicant. (1983 Code, § 2-209)

8-210. Miscellaneous restrictions on licensees and their employees.

(1) No certificate of good moral character shall be issued to a person who is a holder of a public office, either appointive or elective, or who is a public employee, either national, state, town or county; and it shall be unlawful for any such person to have any interest in the liquor retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

¹State law reference

Tennessee Code Annotated, section 57-3-104.

²State law reference

Tennessee Code Annotated, section 57-3-208.

(2) No certificate of good moral character shall be issued to a person who has been convicted of a felony involving moral turpitude within ten (10) years prior to the time he or the legal entity with which he is connected files application therefor, provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and provided, further, that in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation, or association with which he is connected shall immediately discharge him as an employee, and such convicted felon shall forthwith divest himself of all interest in the business of the licensee, either as a partner, officer, director, stockholder or otherwise.

No certificate of good moral character shall be issued to any person, who, within ten (10) years preceding application therefor shall have been convicted of any offense under the state statutes, state rules and regulations, the federal statutes, this chapter or of the statutes of any other state of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling alcoholic beverage or who has, during said period, been engaged in business alone or with others in violation of any of the state statutes, state rules and regulations, the federal statutes or the laws, rules and regulations of any other state, county or town of the United States; and provided further that in case of any such conviction occurring after a license has been issued and received, it shall be recommended that the said license shall be revoked.

(3) It shall be unlawful for any manufacturer or wholesaler to have any interest in the licensee's rental or revenues.

(4) It shall be unlawful for any person to have ownership in, or to be a partner in or a stockholder, director, or officer of, to participate either directly or indirectly, in the profits of, any business for which a license is granted hereunder, unless his interest in said business and the nature, extent, and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall have been fully disclosed in writing by supplement to the application filed with the board and approved in writing by the board before such interest is acquired. Where such interest is owned by any person on or before the application for a license, the burden shall be upon such person to see that this section is fully complied with, whether, he, himself, signs or prepared the application, or whether the same is prepared by another; or if such interest is required after the issuance of the license the burden of the required disclosure of the proposed acquisition of such interest be upon both the seller and the purchaser.

(5) No licensee shall employ a person in the sale of alcoholic beverages who is not a citizen of the United States.

(6) No licensee shall employ in the storage, sale, or distribution of alcoholic beverages a person under the age of eighteen (18) years, and it shall be unlawful for any licensee to permit a minor in its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(7) No licensee shall employ in the sale of alcoholic beverages any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude and in case an employee shall be convicted he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(8) It shall be unlawful for a licensee to advertise by signs, window displays, posters, or any other designs intended to advertise any alcoholic beverage within the corporate limits of the town, except by signs approved by the board not larger than four (4) feet by eight (8) feet in designating the premises as " _____ Package Store." Only two (2) such signs, and no other, shall be permitted, one free standing and one attached to the building. Nothing contained herein shall prohibit any manufacturer or wholesaler from advertising in news media.

(9) No licensee shall employ or otherwise use the services of any canvasser, agent, solicitor, or representative for the purpose of receiving an order from a consumer for any alcoholic beverage at the residence or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensee at the licensee's premises.

(10) All retail stores shall be confined to the premises of the licensee. No curb service shall be permitted nor shall there be permitted drive-in windows.

(11) No liquor store shall be located in the town on any premises above the ground floor. Each liquor store shall have only one main entrance for use by the public as a means of ingress and egress for the purpose of purchasing alcoholic beverages at retail, provided, however, that any liquor store adjoining the lobby of a hotel or motel may maintain an additional entrance into such lobby so long as said lobby is open to the public.

(12) If a licensee is a corporation, then the addition to the other provisions of this chapter:

(a) No person owning stock in or who is an officer or director in such corporate licensee shall have any interest as an owner, stockholder, officer, director, or otherwise in any business licensed to engage in the sale at wholesale or retail of alcoholic beverages in the state or in any other place;

(b) No stock of such corporate licensee shall be transferred by sale, gift, pledge, operation of law or otherwise to any person who has not been a resident of the town for the two (2) consecutive years immediately preceding the date of any such transfer; nor shall any of said stock be so transferred to any person who would not be otherwise qualified as an original stockholder of an initial corporate applicant for a license hereunder.

(13) If any licensee, for any reason, shall not be actively engaged in and keep open its liquor store during normal business hours for a period of fifteen (15) work days in any calendar year, then the city recorder shall forthwith report such fact to the State Alcoholic Beverage Commission and take such other action as may appear necessary or proper to have the license of such licensee revoked.

(14) Each liquor store licensed hereunder shall be personally and actively managed by the holder of the license, if the licensee is an individual, or by a partner or corporate officer, if the licensee is a partnership or corporation. In every case where alcoholic beverage is sold by a licensee that is either a partnership or a corporation, the name and address of the managing partner or the corporate officer who will be in active control and management of the liquor store shall be designated in the application, and any future changes in such manager shall be reported forthwith in writing to the city recorder.¹ (1983 Code, § 2-210)

8-211. Nature and revocability of license. The issuance of a license hereunder shall vest no property rights in the licensee and such license shall be a privilege subject to revocation or suspension as provided by the state statutes and state rules and regulations. In the event of any violation of the state statutes, state rules and regulations, federal statutes or of the provisions of this ordinance by a licensee or by any person for whose acts the licensee is responsible, the city recorder shall forthwith report such violation to the Tennessee Alcoholic Beverage Commission or its successor and shall take such action before the Tennessee Alcoholic Beverage Commission or other appropriate state board to have the license of such licensee suspended or revoked as provided by law. (1983 Code, § 2-211)

8-212. Display of license. The licensee shall display and post, and keep displayed and posted, his license in a conspicuous place in the licensee's liquor store at all times when any activity or business authorized thereunder is being done by the licensee. (1983 Code, § 2-212)

¹State law reference

Tennessee Code Annotated, sections 57-3-208 and 57-3-210.

8-213. Maximum number of licenses. No more than two (2) licenses shall be issued and outstanding at any time under the provisions of this ordinance. No person shall make application for, nor shall any person have on file and pending at any time on application for more than one (1) certificate of good moral character or for more than one (1) license to a liquor store.¹ (1983 Code, § 2-213)

8-214. Location of liquor store. Liquor stores may be operated and maintained on premises within the corporate limits, but only within the following listed zones as defined in the zoning ordinance of the Town of Jasper, Tennessee, as set out on the zoning map of the town, as in effect on the date of any application for a license hereunder:

- C-1 (Central Business) District
- C-2 (General Commercial) District

All provisions of the zoning ordinance of the Town of Jasper, Tennessee, including but not limited to those provisions relating to the required yard area, off-street loading and unloading of vehicles to operate hereunder, shall be complied with by each licensee as a condition precedent to the operation of any liquor store authorized by this chapter. No pinball machines or other amusement devices and no seating facilities other than for employees shall be permitted in any liquor store. No political advertising of or for any candidate or party by poster, card, matches or other and no campaign material shall be placed, displayed or dispensed on the premises of any liquor store. A liquor store shall not be located within three hundred (300) feet of any church edifice or school as measured in a direct line from the center of the front door of the licensee's place of business. To assure that these requirements are satisfied, no original or renewal certificate of good moral character for an applicant for a license shall be issued for any location until a majority of the members of the board have approved the proposed location as being suitable for liquor store after a consideration of this matter at a meeting of the board.² (1983 Code, § 2-214)

8-215. License non-transferable. A licensee shall not sell, assign, give, pledge, or otherwise transfer his license or any interest therein to any other person. No license shall be transferred from the licensee by operation of law

¹State law reference
Tennessee Code Annotated, section 57-3-208.

²State law reference
Tennessee Code Annotated, section 57-3-208.

through any proceedings in bankruptcy, insolvency, or receivership, or by execution, garnishment or other similar proceedings. No license shall be transferred from one location to another location without the prior written approval of the board. (1983 Code, § 2-215)

8-216. Limited times of operation. No retailer shall sell or give away any alcoholic beverages between 11:00 p.m. on Saturday night and 8:00 a.m. on Monday of each week and shall not sell, give away or otherwise disburse alcoholic beverages except between the hours of 8:00 a.m. and 11:00 p.m. Monday through Saturday. Retail stores shall not be open to the general public except during regular business hours and shall be closed for business Thanksgiving Day and Christmas Day. In addition, no retailer shall sell or give away any alcoholic beverages on Christmas, Thanksgiving Day, Labor Day, New Year's Day and the Fourth of July.¹ In the event of an emergency, liquor stores may be closed by order of the mayor. (1983 Code, § 2-216)

8-217. Minors, persons visibly intoxicated, and habitual drunkards. It shall be unlawful for any licensee to sell, furnish, or give away any alcoholic beverage to any person who is under twenty-one (21) years of age or to any person who is visibly intoxicated or to any person who is a habitual drunkard (any person under twenty-one (21) years of age or visibly intoxicated or a habitual drunkard being hereafter in this section referred to as "such person.") It shall be unlawful for any such person to enter or remain in a liquor store, or to loiter in the immediate vicinity of a liquor store. It shall be unlawful for a licensee to allow any such person to enter or remain in the licensee's liquor store or any part of the licensee's adjacent to the liquor store. It shall be unlawful for any such person to buy or receive any alcoholic beverage from any licensee or from any other person. It shall be unlawful for a minor to misrepresent his age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee for the purpose of selling or giving such alcoholic beverage to such person.² (1983 Code, § 2-217)

8-218. Consumption on premises prohibited. It shall be unlawful for any licensee to sell or furnish any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in a liquor store or in the immediate vicinity of a liquor store. It shall

¹State law reference

Tennessee Code Annotated, section 57-3-406.

²State law reference

Tennessee Code Annotated, section 57-3-406.

be unlawful for any licensee to allow any person to consume any alcoholic beverage in such licensee's liquor store or on the premises used by the licensee in connection therewith. (1983 Code, § 2-218)

8-219. Inspection fee. There is hereby levied on each licensee in the town an inspection fee in the amount of five per cent (5%) of the wholesale price of all alcoholic beverage supplied during each calendar month by a wholesaler to each licensee in the town. It shall be unlawful for any wholesaler to supply, ship or otherwise deliver any alcoholic beverage to a licensee, and it shall be unlawful for any licensee to receive any alcoholic beverage, unless there shall be issued and delivered to the licensee by the wholesaler, concurrently with each such shipment or delivery, an invoice showing: (a) the date of the transaction; (b) the name and address of the wholesaler and of the licensee; (c) the brand name and quantity of alcoholic beverage covered by the invoice and (d) the unit wholesale price and the gross wholesale price for each item listed thereon. The wholesaler's invoice shall be issued and delivered to the licensee as hereinafter provided without regard to the terms of payment or on credit or partly for cash and partly for credit. The inspection fee, computed as hereinabove provided, shall be paid by each licensee to the city recorder on or before the 15th day of each calendar month for the preceding calendar month. Each licensee, as a condition precedent to operating a liquor store in the town, shall execute and deliver to the town a bond in the amount of one thousand dollars (\$1,000.00); and said bond shall be payable to the town; shall be executed by a surety company duly authorized and qualified to do business in the state; and said bond shall be conditioned that the licensee shall pay to the town all inspection fees due hereunder. The aforesaid surety bond shall be in a form approved by the municipal attorney.¹ (1983 Code, § 2-219)

8-220. Inspection fee reports. The town aldermen of finance or auditor shall prepare and make available to each licensee sufficient forms for the monthly report of the inspection fees payable by each licensee; and the city recorder is authorized to promulgate reasonable rules and regulations to facilitate the reporting and collection of inspection fees and to specify the records to be kept by each licensee.² (1983 Code, § 2-220)

8-221. Records to be kept by licensee. In addition to any records specified in the rules and regulations promulgated by the city recorder pursuant to the

¹State law reference

Tennessee Code Annotated, section 57-3-501.

²State law reference

Tennessee Code Annotated, section 57-3-503.

preceding section, each licensee shall keep on file at such licensee's liquor store the following records: (a) original invoices required under section 8-220 above for all alcoholic beverages bought by or otherwise supplied to the licensee; (b) original receipts for any alcoholic beverage returned by such licensee to any wholesaler; and (c) accurate record of all alcoholic beverages lost, stolen, damaged, given away, or disposed of other than by sale, and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverage involved, and, where known, the name of the person or persons receiving the same. All such records shall be preserved for a period of at least two (2) years unless the city recorder gives the licensee written permission to dispose of such records at an earlier time.¹ (1983 Code, § 2-221)

8-222. Inspections. The city recorder or town auditor are authorized to examine the books, papers, and records of any licensee at any and all reasonable times for the purpose of determining whether the provisions of this chapter are being observed. The town fiscal officer or town auditor and the chief of police and other police officers of the town are authorized to enter and inspect the premises of a liquor store at any time the liquor store is open for business. Any refusal to permit the examination of the books, papers, and records of a licensee by a fiscal officer or auditor or the inspection and examination of the premises of a liquor store, shall be a violation of this chapter and the town fiscal officer or auditor shall forthwith report such violation to the State Alcoholic Beverage Commission with the request that appropriate action be taken to revoke the license of the offending licensee.² (1983 Code, § 2-222)

8-223. Effect of failure to report and pay inspection fee. The failure to pay the inspection fee and to make the required reports accurately and within the time prescribed in this chapter shall, at the sole discretion of the town board, be cause for the taking of such action as is necessary to suspend the offending licensee's license for as much as thirty days, or to revoke said license. (1983 Code, § 2-223)

8-224. Use of funds derived from inspection fees. All funds derived from the inspection fees imposed herein shall be paid into the general fund of the town. The town shall defray all expenses in connection with the enforcement of this chapter, including particularly the payment of the compensation of officers, employees or other representatives of the town in investigating and inspecting

¹State law reference

Tennessee Code Annotated, section 57-3-503.

²State law reference

Tennessee Code Annotated, section 57-3-503.

licensees and applicants and in seeing all provisions of this chapter are observed; and the board finds and declares that the amount of these inspection is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for said purposes. The inspection fee levied by this chapter shall be in addition to any general gross receipts, sales or other general taxes applicable to the sale of alcoholic beverages, and shall not be a substitute for any such taxes. (1983 Code, § 2-224)

8-225. Other violations by licensee. Any licensee, who in the operation of such licensee's liquor store, shall violate any federal statute, any state statute, or any state rule or regulation concerning the purchase, sale, receipt, possession, transportation, distribution or handling of alcoholic beverages, shall be guilty of a violation of the provisions of this chapter. (1983 Code, § 2-225)

8-226. Licensee's responsibility. Each licensee shall be responsible for all acts of such licensee's officers, stockholders, directors, employees, agents and representatives, so that any violation of this chapter by any officer, stockholder, director, employee, agent, or representative of a licensee shall constitute a violation of this chapter by such licensee. (1983 Code, § 2-226)

8-227. Initial applications. In making the initial certification of good moral character for the first two (2) persons to be licensed hereunder, the board of mayor and aldermen will consider all applications filed before a closing date to be fixed by it, and after eliminating the applicants who do not possess the qualifications required by the state statutes, by the state rules and regulations and by this chapter, it will select by drawing lots in an open meeting of the board of mayor and aldermen from among the remaining applicants the names of the two (2) applicants to whom the certificate of good moral character will be issued to the Tennessee Alcoholic Beverage Commission for issuance of a license to operate a liquor store hereunder, without regard to the order or time in which applications are filed. (1983 Code, § 2-227)

CHAPTER 3

CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES

SECTION

8-301. Definition of "alcoholic beverages."

8-302. Consumption of alcoholic beverages on premises.

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

8-304. Annual privilege tax to be paid to the town's recorder.

8-305. Advertisement of alcoholic beverages.

8-306. Opting out of extension of hours.

8-301. Definition of "alcoholic beverages." As used in this chapter, unless the context indicates otherwise: "alcoholic beverages" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contains an alcoholic content of five percent (5%) by weight, or less. (as added by Ord. #286, Dec. 2003)

8-302. Consumption of alcoholic beverages on premises. Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on-premises consumption which are regulated by said code when such sales are conducted within the corporate limits of Jasper, Tennessee. It is the intent of the Board of Mayor and Aldermen of the Town of Jasper that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Jasper, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #286, Dec. 2003)

8-303. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, section 301, for the Town of Jasper General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the Town of Jasper, alcoholic beverages for consumption on the premises where sold. (as added by Ord. #286, Dec. 2003)

8-304. Annual privilege tax to be paid to the town's recorder. Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the Town of Jasper shall remit annually to the town recorder the appropriate tax as referenced in Jasper Municipal Code § 8-303 above. Such

payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #286, Dec. 2003)

8-305. Advertisement of alcoholic beverages. On the business premises of those individuals, persons or associations holding licenses for the sale of alcoholic beverages, there shall be no signs or other advertising display promoting the sale of alcoholic beverages in general, or of a specific alcoholic beverage, outside of the building, in the windows, or other places visible from outside the building to advertise alcoholic beverages. The placement of all such advertising signs shall be limited to inside the building so as not to be visible from outside the building. (as added by Ord. #286, Dec. 2003)

8-306. Opting out of extension of hours. The board of mayor and aldermen, pursuant to the provisions of Tennessee Code Annotated, § 57-4-203(d)(5) elects to opt out of any extension of hours in the Town of Jasper, Tennessee, for the sale of alcoholic beverages for consumption on the premises. (as added by Ord. #286, Dec. 2003)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. LIMITATION ON BUSINESS HOURS IN RESIDENTIAL AREAS.
3. MOBILE HOME PARKS.
4. POOL ROOMS.
5. CABLE TELEVISION.
6. FAIR HOUSING ORDINANCE.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

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

¹Municipal code references

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

Health and sanitation: title 13.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Posting advertisements and notices: title 11.

Zoning: title 14.

²Municipal code reference

Privilege taxes: title 5.

Trespass by peddlers, etc.: section 11-801.

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

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any organization which solicits contributions from the public, either on the streets of the Town of Jasper or on public property within the town for any charitable, religious or school purpose, and which does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets all of the following conditions:

(a) It has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended or is a public school organization or church.

(b) It is organized for charitable, religious or school purposes.

(c) It has been in continued existence as a charitable, religious or school organization in the Town of Jasper for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Any person soliciting for the organization for such charitable, religious or school purpose must be properly permitted as set forth hereinafter and must be sixteen (16) years of age or older.

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

(5) "Transient vendor"¹ means any person who brings into temporary

¹State law references

Tennessee Code Annotated, section 62-30-101 et seq. contains permit requirements for "transitory vendors."

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (as amended by Ord. #229, § 1, March 1997)

9-102. Exemptions. The terms of this chapter shall not apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

(...continued)

The definition of "transient vendors" is taken from Tennessee Code Annotated, section 62-30-101(3). Note also that Tennessee Code Annotated, section 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, section 67-4-709(b).

9-104. Permit procedure. (1) A sworn application containing the following information shall be completed and filed with the town recorder at least ten (10) days before the requested activity by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

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

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

(c) The dates, times and locations which the applicant intends to do business or make solicitations.

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

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

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

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor, street barker or solicitor for subscriptions shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). There shall be no fee for an application for a permit by a solicitor for charitable or religious purposes.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant; however, the permit shall be subject to such additional conditions and requirements as imposed thereon by the chief of police as he deems necessary for the safety and well being of the public.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the town recorder, the recorder shall submit to the chief of police a copy of the application form and the permit; and the chief of police shall place such additional conditions and requirements thereon as he deems necessary for the safety and well being of the general public. Upon failure of the permittee to comply with the conditions and requirements imposed by the chief of police or failure to comply with any other provisions of this chapter, the permit may be suspended and/or revoked by the town recorder. (as amended by Ord. #229, § 2, March 1997, and Ord. #347, Feb. 2012)

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

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

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

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

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (as amended by Ord. #229, § 2, March 1997)

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

9-107. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

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

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or 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 the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing,

or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances.

CHAPTER 2

LIMITATION ON BUSINESS HOURS IN RESIDENTIAL AREAS

SECTION

9-201. Limitation on business hours in residential areas.

9-202. Each violation a separate offense.

9-201. Limitation on business hours in residential areas. No business, whether retail or commercial, located in any area of the town designated by zoning ordinance as a residential area shall conduct business or commercial operation or otherwise remain open between the hours and on the date established below:

10:00 p.m. and 7:00 a.m. Sunday through Thursday

11:00 p.m. and 7:00 a.m. Friday and Saturday

(1983 Code, § 5-201)

9-202. Each violation a separate offense. Each day of violation of section 9-201 above shall constitute a separate offense. (1983 Code, § 5-202)

CHAPTER 3

MOBILE HOME PARKS

SECTION

- 9-301. Definitions.
- 9-302. Mobile homes outside mobile home parks prohibited.
- 9-303. Tax stickers required.
- 9-304. Permit required.
- 9-305. Inspections by town building inspector.
- 9-306. Location and planning.
- 9-307. License required - fees.
- 9-308. Application for license.
- 9-309. Minimum size of mobile home parks.
- 9-310. Minimum mobile home space and spacing.
- 9-311. Water supply.
- 9-312. Sewage disposal.
- 9-313. Refuse.
- 9-314. Electricity.
- 9-315. Streets.
- 9-316. Parking spaces.
- 9-317. Buffer strip.
- 9-318. Enforcement.
- 9-319. Appeals.
- 9-320. Violation - penalty.

9-301. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Mobile home (trailer)." A detached single family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities and the like.

(2) "Mobile home park (trailer court)." The term mobile home park shall mean any plot of ground within the Town of Jasper on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

(3) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) "Health officer." The director of a town, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(5) "Permit (license)." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter. (1983 Code, § 5-301)

9-302. Mobile homes outside mobile home parks prohibited. After the effective date of the ordinance comprising this section, it shall be unlawful for any single-wide mobile home as defined in Jasper Municipal Code § 14-202(25), to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park.

The owner of any single-wide mobile home not located in a mobile home park, that was already lawfully permitted and placed on a lot on or before the effective date of the ordinance comprising this section will be permitted to reside at the present location. However, if said mobile home is moved from the property upon which it is located as a result of either voluntary or involuntary action on the part of the owner thereof, then that mobile home or any replacement thereof, shall not be relocated upon said property. In the event of damage to a single-wide mobile home, Jasper Municipal Code § 14-206(4) shall apply. (1983 Code, § 5-302, as replaced by Ord. #290, Feb. 2004)

9-303. Tax stickers required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker. (1983 Code, § 5-303)

9-304. Permit required. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town building inspector in the name of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter. (1983 Code, § 5-304)

9-305. Inspections by town building inspector. The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1983 Code, § 5-305)

9-306. Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants. (1983 Code, § 5-306)

9-307. License required - fees. The following requirements for licenses shall apply to any mobile home park and individual mobile home within the corporate limits of said town.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of said town, any mobile home park unless such person or persons shall first obtain a license therefor.

(2) Individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. An annual license fee shall be required for mobile home parks and individual mobile homes as follows:

(a) Mobile home parks. The annual license fee for mobile home parks shall be twenty-five (25) dollars.

(b) Individual mobile homes. The annual license fee for each mobile home shall be five (5) dollars. The fee for transfer of the license because of change of ownership or occupancy shall be five (5) dollars. (1983 Code, § 5-307)

9-308. Application for license. (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

(a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;

(b) Name and address of owner of record;

(c) Proposed name of park;

(d) North point and graphic scale and date;

(e) Vicinity map showing location and acreage of mobile home park;

(f) Exact boundary lines of the tract by bearing and distance;

(g) Names of owners of record of adjoining land;

(h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;

(i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;

(j) Provisions for water supply, sewerage and drainage;

(k) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and

(l) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

(a) The name of the applicant and all people who are to reside in the mobile home;

(b) The location and description of the mobile home, make, model and year;

(c) The state license number;

(d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and

(e) The application shall be filed in triplicate. (1983 Code, § 5-308)

9-309. Minimum size of mobile home parks. The tract of land for the mobile home park shall comprise an area not less than two (2) acres. The tract shall consist of a single plot so dimensional and related as to facilitate efficient design and management. There must be a minimum of ten (10) spaces completed and ready for occupancy before the first occupancy. (1983 Code, § 5-309)

9-310. Minimum mobile home space and spacing. (1) Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least ten (10) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

(2) The individual plot sizes for mobile home spaces shall be determined as follows:

- (a) Minimum lot area of two thousand four hundred (2,400) square feet;
- (b) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;
- (c) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet; and
- (d) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet. (1983 Code, § 5-310)

9-311. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it shall be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe, potable water supply. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer. (1983 Code, § 5-311)

9-312. Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate should be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the department. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used. (1983 Code, § 5-312)

9-313. Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (1983 Code, § 5-313)

9-314. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and revised Tennessee Department of Insurance and Banking Regulations, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (1983 Code, § 5-314)

9-315. Streets. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking	11 ft.
One-way, with parallel parking on one side only.	18 ft.
One-way, with parallel parking on both sides.	26 ft.
Two-way, with no on-street parking	20 ft.
Two-way, with parallel parking on one side only.	28 ft.
Two-way, with parallel parking on both sides.	36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirements of the Tennessee State Highway Department. (1983 Code, § 5-315)

9-316. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus

an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1983 Code, § 5-316)

9-317. Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent development. (1983 Code, § 5-317)

9-318. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce the provisions of this chapter. Either shall give written notice of any violation to the person or persons responsible for the correction of the condition, and correction shall be made within fifteen (15) days after notification. If either the county health officer or the building inspector advises the person or persons responsible for the correction of the condition that the violation in question constitutes an immediate or serious menace to health or safety, such person or persons shall at once correct the menace without further notice. Failure to remove such menace immediately shall be punishable under the general penalty clause for the code. However, such person or persons shall be allowed fifteen (15) days within which to make a permanent correction. (1983 Code, § 5-318)

9-319. Appeals. The Jasper Municipal-Regional Planning Commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by Jasper Municipal-Regional Planning Commission (advised by the city attorney) for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Jasper Municipal-Regional Planning Commission with advice from the city attorney, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Jasper Municipal-Regional Planning Commission and the city attorney may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1983 Code, § 5-319)

9-320. Violation - penalty. Any person who violates the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall be punished under the general penalty clause for this code. (1983 Code, § 5-320)

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-403. Minors to be kept out; exception.

9-401. 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. (1983 Code, § 5-401)

9-402. Hours of operation regulated.² 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 10:00 p.m. and 7:00 a.m. on Monday through Thursday and 11:00 p.m. and 7:00 a.m. on Friday and Saturday. (1983 Code, § 5-402)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, or for their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the parents of such minor, if living; if the parents are dead, then the 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. (1983 Code, § 5-403)

¹Municipal code reference
Tax provisions, etc: title 5.

²Municipal code reference
For general limitations on business hours in residential areas: section 9-201.

CHAPTER 5

CABLE TELEVISION¹

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television shall be furnished to the Town of Jasper and its inhabitants pursuant to franchise agreements that must be approved by the board of mayor and aldermen. The rights, powers, duties, and obligations of the Town of Jasper and of its franchisee(s) shall be set out in any such franchise agreement, which shall be binding upon the parties concerned. (1983 Code, § 13-201, as replaced by Ord. #222, § 4, June 1996, and Ord. #309, Nov. 2006)

¹For more complete details relating to the cable television franchise agreement see ordinance No. 106 as amended by ord. No. 108, 121, 143, 149, 222 and 309 of record in the office of the town recorder.

CHAPTER 6

FAIR HOUSING ORDINANCE

SECTION

- 9-601. Policy.
- 9-602. Definitions.
- 9-603. Unlawful practice.
- 9-604. Discrimination in the sale or rental of housing.
- 9-605. Discrimination in the financing of housing.
- 9-606. Discrimination in the provision of brokerage services.
- 9-607. Exemption.
- 9-608. Administration.
- 9-609. Education and conciliation.
- 9-610. Enforcement.
- 9-611. Investigations; subpoenas; giving of evidence.
- 9-612. Enforcement by private persons.

9-601. Policy. It is the policy of the Town of Jasper to provide, within constitutional limitations, for fair housing throughout the Town of Jasper. (Ord. #220, § 1, May 1996)

9-602. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under section 9-604, 9-605 or 9-606. (Ord. #220, § 2, May 1996)

9-603. Unlawful practice. Subject to the provisions of subsection (2) and section 9-607, the prohibitions against discrimination in the sale or rental of housing set forth in section 9-604 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in section 9-604 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than

three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented.

(i) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and

(ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 9-604(3) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has, within the preceding twelve months, participated as principal in three or more actions involving the sale or rental of any dwelling or any interest therein or

(b) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #220, § 3, May 1996)

9-604. Discrimination in the sale or rental of housing. As made applicable by section 9-603 and except as exempted by sections 9-603(2) and 9-607, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicap.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicap, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #220, § 4, May 1996)

9-605. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or

dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 9-603(2). (Ord. #220, § 5, May 1996)

9-606. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (Ord. #220, § 6, May 1996)

9-607. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #220, § 7, May 1996)

9-608. Administration. (1) The authority and responsibility for administering this act shall be with the mayor.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the town or to the Tennessee Human Rights Commission, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officer in the town, to boards of officers to the Tennessee Human Rights Commission or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #220, § 8, May 1996)

9-609. Education and conciliation. Immediately after the enactment of this chapter, the mayor may commence such educational and conciliatory activities as will further the purposes of this chapter. He may call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. #220, § 9, May 1996)

9-610. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Tennessee Human Rights Commission decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Tennessee Human Rights Commission will assist in this filing.

(4) If the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #220, § 10, May 1996)

9-611. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court of the district in which the investigation is taking place. The Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after service of a subpoena upon any person, such person may petition the Tennessee Human Rights Commission to revoke or modify the subpoena. The Tennessee Human Rights Commission shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Tennessee Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The Tennessee Human Rights Commission Attorney shall conduct all litigation in which the Tennessee Human Rights Commission participates as a party or amicus pursuant to this chapter. (Ord. #220, § 11, May 1996)

6-912. Enforcement by private persons. (1) The rights granted by sections 9-603, 9-604, 9-605, and 9-606 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced with one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or section 9-610(4) from time to time before bringing it to trial or renting dwellings; or

(2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities; or

(b) affording another person or class of or opportunity or protection so to participate, or

(3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #220, § 12, May 1996)

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

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

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, rabbits, dogs, cats, mules, goats, or any chickens, ducks, geese, turkeys, or other animal or fowls, cattle, or livestock, either domesticated or non-domesticated, to knowingly or negligently permit any of them to run at large or beyond the control of their owners or keepers within the corporate limits. (1983 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. A person keeping not more than two dogs and/or two cats shall not be required to obtain prior approval from the health officer; however, the keeping of such animals shall remain subject to all other terms and conditions of this chapter. (1983 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1983 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1983 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept or harbored in such a place or condition that by loud and frequent barking, whining or howling annoys or destroys the peace and quiet of any neighborhood or business district or otherwise becomes a nuisance because of noise, odor, contagious disease or other reason. (1983 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1983 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer, any police officer or the rabies control officer if there is one, and confined in a pound provided for or designated by the board of mayor and aldermen. If the owner can be identified he shall be given written notice by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his animal or fowl by paying the pound fee and costs or the animal or fowl will be humanely destroyed or sold. If the owner fails to appear within the five (5) days the animal or fowl shall be humanely destroyed or sold or otherwise disposed of in a humane manner authorized by the board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable pound fees and costs in accordance with a schedule approved by the board of mayor and aldermen, to cover the cost of impoundment and maintenance. (1983 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1983 Code, § 3-108)

10-109. Vicious or rabid animals. When because of its viciousness or apparent infection with rabies an animal or fowl running at large or which cannot otherwise be impounded in reasonable safety, then such animal or fowl may be summarily destroyed by the health officer, any police officer or the rabies control officer if there be one. (1983 Code, § 3-109)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.
- 10-208. Destruction of vicious or infected dogs running at large.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law. (1983 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1983 Code, § 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1983 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1983 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1983 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any

¹State law reference

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

reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1983 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar. (1983 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman¹ or other properly designated officer. (1983 Code, § 3-207)

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. GAMBLING, FORTUNE TELLING, ETC.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, ETC.
7. DANGEROUS CONDITIONS ON PROPERTY.
8. OFFENSES AGAINST THE PEACE AND QUIET.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
 11-102. Minors in beer places.

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, theater, auditorium, stadium, baseball park, or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1983 Code, § 10-228)

¹Municipal code references

- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Health and sanitation: title 13.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

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

State law reference

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

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1983 Code, § 10-222, modified)

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-202. Coercing people not to work.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1983 Code, § 10-201)

11-202. 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 expressly is not the purpose of this section to prohibit peaceful picketing. (1983 Code, § 10-229)

CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

SECTION

11-301. Fortune telling, etc.

11-301. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1983 Code, § 10-233)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Escape from custody or confinement.

11-402. Impersonating a government officer or employee.

11-403. Resisting or interfering with town personnel.

11-404. False emergency alarms.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality 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. (1983 Code, § 10-209)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the municipality 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 municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1983 Code, § 10-211)

11-403. Resisting or interfering with town personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1983 Code, § 10-210)

11-404. 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. (1983 Code, § 10-217)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1983 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1983 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. (1983 Code, § 10-212, modified)

CHAPTER 6

TRESPASSING, ETC.

SECTION

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Wearing masks.
- 11-605. Blocking private parking lots.

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

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1983 Code, § 10-226)

11-602. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1983 Code, § 10-221)

11-603. 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. (1983 Code, § 10-225)

11-604. 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. (1983 Code, § 10-234)

11-605. Blocking private parking lots. It shall be unlawful for any person to enter within or park any motor vehicle inside the bounds of any privately owned parking lot or facility without the express permission of the owner, or to obstruct in any manner or means the entrance to or the exit from the parking lot where the entrance and exit abuts the public street. (1983 Code, § 10-235)

CHAPTER 7

DANGEROUS CONDITIONS ON PROPERTY

SECTION

11-701. Abandoned refrigerators, etc.

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

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1983 Code, § 10-223)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard. (1983 Code, § 10-230)

CHAPTER 8

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-801. Disturbing the peace.

11-802. Anti-noise regulations.

11-801. 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. (1983 Code, § 10-202)

11-802. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

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

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

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet,

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

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

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

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

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

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

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

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

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality 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 municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1983 Code, § 10-232)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. HOUSING CODE.

CHAPTER 1

BUILDING CODE

SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Building official--term and duties.
- 12-105. Violations.

12-101. Building code adopted. (1) Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-510, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2006 edition, including the 2006 international code versions pertaining to plumbing, energy conservation, mechanical, fuel gas and electrical provisions, all as published by the International Code Council, with all subsequent revisions and appendices thereto, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code.

Notwithstanding any provision contained within the Jasper Municipal Code to the contrary, any manufactured residential dwelling as referred to in Tennessee Code Annotated, § 13-24-201, whether it be a manufactured home,

¹Municipal code references

- Fire protection, fireworks, and explosives: title 7.
- Health and sanitation: title 18.
- Planning and zoning: title 14.
- Streets and other public ways and places: title 16.
- Utilities and services: titles 18 and 19.

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

home, doublewide mobile home, modular home, prefabricated house or otherwise, shall be required to comply with the requirements of the aforesaid International Building Code, 2006 edition, before any permit is allowed for the placement of same in any district within the corporate limits.

(2) All ordinances and regulations in conflict with this section are hereby amended to conform herewith. (Ord. #179, July 1991, modified, as replaced by Ord. #216, §§ 1 and 2, Sept. 1995, amended by Ord. #290, Feb. 2004, and replaced by Ord. #332, Nov. 2008)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the governing body of the municipality. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the building code.

(2) Permit fees. The recommended schedule of permit fees set forth in the International Building Code, 2006 edition, is hereby adopted by the Town of Jasper as the permit fees to be charged and collected by the Town of Jasper. (1983 Code, § 4-102, as amended by Ord. #231, § 1, Aug. 1997, and replaced by Ord. #332, Nov. 2008)

12-103. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of each of the said 2006 international codes has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1983 Code, § 4-103, as replaced by Ord. #332, Nov. 2008)

12-104. Building official--term and duties. A building official shall be appointed by, and shall serve at the pleasure of, the board of mayor and aldermen. It shall be the duty of the building official to enforce the building code and all laws and ordinances relating to the construction, alteration, removal and demolition of buildings and structures in the town. The building official's compensation shall be one-half (1/2) of the permit fees collected. (1983 Code, § 4-104, as amended by Ord. #231, § 2, Aug. 1997, and replaced by Ord. #332, Nov. 2008)

12-105. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the International Building Code, 2006 edition, as herein adopted by reference and modified. (1983 Code, § 4-105, as replaced by Ord. #332, Nov. 2008)

CHAPTER 2

HOUSING CODE

SECTION

12-201. Housing code adopted.

12-202. Modifications.

12-203. Available in recorder's office.

12-204. Violations.

12-201. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 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,¹ 1991 edition, with 1992 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 housing code. (Ord. # 179, July 1991, modified)

12-202. Modifications. (1) Definitions. Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the board of mayor and aldermen 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 board of mayor and aldermen.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1983 Code, § 4-502)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1983 Code, § 4-503)

12-204. 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. (1983 Code, § 4-504)

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. SLUM CLEARANCE.
3. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds and excessive vegetative growth and dirty lots.
- 13-105. Overgrown and dirty lots.
- 13-106. Dead animals.
- 13-107. Health and sanitation nuisances.
- 13-108. Spitting on streets, etc.
- 13-109. House trailers.

13-101. Health officer. The health officer shall be appointed by and serve at the pleasure of the mayor. The health officer shall administer and enforce health and sanitation laws, ordinances and regulations within the town. (1983 Code, § 8-101)

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. (1983 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

¹Municipal code references

Animals and fowls: title 10.

Littering streets, etc.: section 16-107.

Toilet facilities in beer places: section 8-213(12).

Wastewater treatment: title 18, chapter 2.

without treating it so as effectively to prevent the breeding of mosquitoes. (1983 Code, § 8-106)

13-104. Weeds and excessive vegetative growth and dirty lots. Every owner of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his/her property, and such owner and/or tenant shall not create, maintain, or permit to be maintained on such property the accumulation of debris, brush, trash, litter, garbage, abandoned vehicles, or any combination thereof such that an unsightly appearance exists that detracts from the other surrounding properties. It shall be unlawful for any owner to fail to comply with a notice from the town recorder or chief of police to cut such vegetation when it has reached a height of one foot (1'), or to remove debris, brush, trash, litter, garbage, abandoned vehicles, or any combination thereof, which has accumulated on such property. Whenever grass, weeds, or other growth reaches over one foot (1') or more or debris, brush, trash, litter, garbage, abandoned vehicles, or any combination thereof is allowed to accumulate on the such property, the owner shall be given by the town recorder or the chief of police written notice by certified mail or by hand-delivery to cut the vegetation and/or to remove the accumulation of debris, brush, trash, litter, garbage, abandoned vehicles, or any combination thereof within ten (10) days. If the property owner or tenant has not remedied the situation within ten (10) days from the date of the sending or delivery of such written notice, then the Town of Jasper may cite said owner and/or tenant to municipal court. Each day that the vegetation remains uncut or the debris, brush, trash, litter, garbage, abandoned vehicles, or any combination thereof, are not removed from the property shall subject the owner and/or tenant of the property to a fine of fifty dollars (\$50.00) per day, and each day shall constitute a separate violation, and such owner shall be responsible for the court costs and any expenses involved in the mailing or delivery of the notice of violation. (1983 Code, § 8-107, as replaced by Ord. #329, Nov. 2008)

13-105. Overgrown and dirty lots.¹ (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees,

¹Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

vines, grass, underbrush, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.

(2) Designation of public officer or department. The Police Department of the Town of Jasper shall be the appropriate department to enforce the provisions of this section.

(3) Notice to property owner. If the Town of Jasper Police Department determines that any owner of record of real property has violated subsection (1) above, it shall serve on the owner of record a written notice to remedy the condition(s) immediately. This notice may be given by United States mail, addressed to the last known address of the owner of record, or by personal delivery of the notice to the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language, and shall also include, but not be limited to, the following elements:

(a) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition(s);

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

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

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

(4) Clean-up at property owner's expense. If the property owner fails or refuses to remedy the condition(s) within ten (10) days after receiving the notice, (twenty (20) days if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials), the Police Department of the Town of Jasper may immediately cause the condition(s) to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. The Town of Jasper may collect the cost assessed against the owner through an action for debt filed in any court of competent jurisdiction. The Town of Jasper may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the Register of Deeds in Marion County, Tennessee, the costs shall be a lien on the property in favor of the Town of Jasper, second only to liens of the State of Tennessee, Marion County, and the Town of Jasper for taxes, any lien of the Town of Jasper for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the Town of

Jasper as a lien and shall be added to the property tax bills to be collected in the same manner property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

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

(6) Judicial review. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial review of the order or act by timely filing an appeal in a manner provided by the laws of the State of Tennessee for judicial review of administrative decisions.

(7) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant, or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as replaced by Ord. #329, Nov. 2008)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1983 Code, § 8-108)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1983 Code, § 8-109)

13-108. Spitting on streets, etc. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1983 Code, § 8-110)

13-109. 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. (1983 Code, § 8-104)

CHAPTER 2

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of board.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of order.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.
- 13-214. Structures unfit for human habitation deemed unlawful.

13-201. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the board of mayor and aldermen finds that there exists in the town structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the town.

13-202. Definitions. (1) "Municipality" shall mean the Town of Jasper, Tennessee, and the areas encompassed within existing corporate limits or as hereafter annexed.

(2) "Governing body" shall mean the board of mayor and aldermen charged with governing the municipality.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, section 13-21-101 et seq.

(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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality.

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

13-203. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building official of the municipality, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building official.

13-204. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer.

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

13-207. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished.

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall, upon the filing of the notice with the office of the register of deeds of Marion County be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the Town of Jasper as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Marion County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Jasper to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other

residents of the Town of Jasper; 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; and uncleanliness.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such 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 town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the 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 Marion County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

13-211. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

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

- (1) To investigate conditions of the structures in the municipality in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the municipality with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.

13-214. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

JUNKYARDS

SECTION

13-301. Junkyards.

13-302. Automobile graveyards.

13-303. Abandoned and discarded vehicles.

13-301. Junkyards.¹ 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. (1983 Code, § 8-111)

13-302. Automobile graveyards.² (1) Definitions. For the purpose of this chapter:

(a) "automobile graveyard" means any lot or place exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated are placed, located, or stored.

(b) "operated" means driven under its own power.

(c) "automobile graveyard" or "automobile junkyard" shall not be construed to mean establishments having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

¹State 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).

²State law reference

Tennessee Code Annotated, title 54, chapter 20. See particularly Tennessee Code Annotated, section 54-20-122 for authority of municipalities to regulate automobile graveyards and junkyards.

(2) Permit required. (a) No person shall own or maintain any "automobile graveyard" within the town until he shall receive a permit so to do from the city recorder. The city recorder shall issue such a permit to any applicant whose premises comply with the requirements of this chapter and all other applicable ordinances of the town.

(b) Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this chapter. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

(c) Any person aggrieved by the city recorder's action relative to the issuance or revocation of any "automobile graveyard" permit may appeal to the town governing body which shall hold a hearing and decide whether or not the city recorder's action was reasonable. Based upon its finding at such hearing the town governing body shall affirm or reverse the city recorder's action.

(3) Other regulations. All "automobile graveyards" within the town shall be operated and maintained subject to the following regulations:

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

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

(c) Such "automobile graveyards" 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.

(4) No permit for an "automobile graveyard" shall be issued if said "automobile graveyard" is not operated as a business by anyone, and is not used for any purpose whatsoever, and no one claims ownership of said "automobile graveyard."

(5) Any owner and/or operator of an "automobile graveyard" in existence at the time this chapter becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles.

(6) Each and every day any violation of this chapter continues shall constitute a separate offense. (1983 Code, § 8-112)

13-303. Abandoned and discarded vehicles. (1) Definitions. The following definitions shall apply in the interpretation and enforcement of this code section:

(a) "Property" shall mean any property within the town which is not a street, highway or public right-of-way.

(b) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

(c) "Discarded vehicle" shall mean any vehicle or part thereof which:

(i) is inoperative and which does not have lawfully affixed thereto an unexpired license plate or plates and which is wrecked, dismantled, partially dismantled or discarded;

(ii) remains inoperable and without unexpired license plate or plates affixed thereto for a continuous period of more than thirty (30) days.

(d) "Abandoned vehicle" shall mean any vehicle or part thereof which is left unattended on public or private property for more than 30 days, or a vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) Abandoning prohibited. No person shall abandon any vehicle within the town, and no person shall leave any vehicle at any place within the town, for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(3) Leaving non-operating junked vehicle on street prohibited. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, alley or highway within the town, or on any public right-of-way.

(4) Location or presence of discarded or abandoned vehicles within town deemed public nuisance; exceptions. The location or presence of any discarded or abandoned vehicle or discarded or abandoned vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the Town of Jasper shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his or their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property; provided that this section shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer, licensed automobile graveyard or other licensed business enterprise operated in

a lawful place and manner when necessary to the operation of such business enterprise; or (3) a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town or other governmental authority.

(5) Abatement or removal order; contents; service. (a) Whenever such public nuisance exists in the town in violation hereof, the chief of the police department or any member of his department designated by him, who shall administer this chapter, shall give not less than ten (10) days' written notice to the owner of the real property and/or the occupant, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance of private property and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period by the aggrieved person, such notice to be either hand delivered or mailed, by certified mail, with a five (5) day return receipt requested, to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(b) A public hearing prior to the removal of the vehicle or part thereof as a public nuisance shall be held before the governing body of the town, or other officials of the town as designated by the governing body, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, within ten (10) days after service of notice to abate the nuisance. During such hearing, evidence will be considered to determine whether a public nuisance exists in violation of this chapter and an order or resolution will be issued if a nuisance is found to exist providing for abatement of such nuisance by the town or the owner or occupant of the premises. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(6) Removal with permission of owner or occupant. Within ten (10) after receipt of notice from the chief of police, or any member of his department designated by him, to abate the nuisance, as herein provided, the owner or occupant of the premises may give his or her written permission to the chief of police, or any member of his department designated by him, for removal of a discarded or abandoned vehicle from the premises at the expense of the owner and/or occupant. The giving of such permission shall be considered compliance with the provisions of section 5 above.

(7) Removal without permission of owner or occupant. (a) If such public nuisance is not abated by any person in charge or control of any

property within the town, whether as owner, tenant, occupant, lessee or otherwise, and a discarded vehicle remains upon public or private property following the ten (10) days' notice period specified within section 5, and if no hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, official action shall be taken by the town to abate such nuisance at the expense of the person in charge or control of the property, if any.

(b) Prior to entry upon private property for the purposes specified in this chapter, the chief of police, or any member of his department designated by him, shall apply to the Jasper Municipal Court or any court of competent jurisdiction for any warrant or order necessary for the entry onto private property to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. The Jasper Municipal Court shall have the authority to issue all orders and warrants necessary to enforce this chapter.

(c) The chief of police, or any member of his department designated by him, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. Any such discarded vehicle shall be impounded at the cost of the owner until lawfully claimed or disposed of in accordance with directions of the chief of police of the town.

(8) Application. Nothing in this chapter shall affect the power of the Town of Jasper to permit immediate removal of a vehicle left on public property which is abandoned and constitutes an obstruction to traffic.

(9) Collection of expense of abatement: lien. When any nuisance has been abated as provided in this chapter, the chief of police, or his duly authorized representative, shall certify the amount of the expense incurred in abating same to the board of mayor and aldermen who shall direct the city attorney to bring suit by attachment or otherwise to collect the same and the town shall have a lien on the property to secure the amount expended by it in abating such nuisance which shall be superior to all other contractual liens.

(10) Violations, penalty. Any person violating any of the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense and each day of continuing violation shall constitute a separate offense. (Ord. # 167, Dec. 1988)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. GENERAL PROVISIONS RELATING TO ZONING.
3. RESIDENCE DISTRICTS.
4. BUSINESS DISTRICTS.
5. INDUSTRIAL DISTRICTS.
6. FLOODWAY DISTRICT.
7. EXCEPTIONS AND MODIFICATIONS.
8. ADMINISTRATION AND ENFORCEMENT.
9. BOARD OF APPEALS.
10. FLOODPLAIN ZONING ORDINANCE.
11. ADULT-ORIENTED ESTABLISHMENTS; LOCATIONS REGULATED.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, rules, staff and finances.
- 14-103. Powers and duties.
- 14-104. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of the 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 seven (7) members; two (2) of these shall be the mayor and an alderman selected by the board of aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. Of the five (5) members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. The terms of the mayor and alderman selected by the board of aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1983 Code, § 11-101)

14-102. Organization, rules, staff and finances. The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings and determination which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with town planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose of the board of mayor and aldermen of the Town of Jasper. (1983 Code, § 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules or procedure, then said commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated, title 13, or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1983 Code, § 11-103)

14-104. 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.

CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING¹

SECTION

- 14-201. Short title.
- 14-202. Definitions.
- 14-203. Districts.
- 14-204. District boundaries.
- 14-205. Zoning regulations affecting every structure and use.
- 14-206. Continuance of non-conforming uses.
- 14-207. Off-street automobile parking.
- 14-208. Off-street loading and unloading space.
- 14-209. Area, yard and height requirements for all zoned areas.
- 14-210. Flooding fringe areas.
- 14-211. Sign controls.
- 14-212. Access to federal or state highways.
- 14-213. Site plan requirements.
- 14-214. Telecommunications structures.
- 14-215. Erosion control.

14-201. Short title. Chapters 2-11 of this title shall be known as the "zoning ordinance of the Town of Jasper, Tennessee." (1983 Code, § 11-201)

14-202. Definitions. Except as specifically defined herein, all words used in this ordinance shall have their customary dictionary definitions. For the purposes of this ordinance, certain words or terms are to be interpreted as follows:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular include the plural, and words used in the plural include the singular.
- (3) The word "shall" is always mandatory.
- (4) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (5) The word "lot" includes the word plot or parcel.

¹It is the intention of the board of mayor and aldermen in adopting chapters 2-10 herein merely to continue in effect the provisions of the zoning ordinance (no. 50) adopted on July 6, 1981, as amended to date. It expressly is not the intention of the board of mayor and aldermen council to hereby enact any new zoning regulations.

The term "this ordinance" in chapters 2-11 includes ordinance No. 50 as amended.

(6) The word "building" includes the word structure.

(7) The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

(8) The word "map" or "zoning map" means the zoning map of Jasper, Tennessee.

(9) "Accessory use or building." A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(10) "Boarding of rooming house." Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

(11) "Buffer strip (planted evergreen)." A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

(12) "Building." Any structure attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

(13) "Business sign." An attached or free-standing structure on which is announced the business use of the premises and/or the name of the operator of the business.

(14) "Dwelling." A building designed or used for living quarters for one (1) or more families.

(15) "Dwelling unit." A dwelling or portion thereof providing living quarters for one (1) family.

(16) "Family." One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

(17) "Flood." An overflow of water onto lands not normally covered by water which results in significant adverse effects in the vicinity.

(18) "Floodway." The natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

(19) "Floodway fringe areas." Areas lying outside the floodway district but within the area covered by the 100-year floodplain.

(20) "Front yard." An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

(21) "Hotel." Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished--whether with or without meals--and furnished accommodations to transient guests, in contradistinction to a boarding, rooming, boarding or apartment house shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

(22) "Land subject to flood:"

(a) Land which is at an elevation lower than the elevation of the 100-year floodplain as shown on the charts, "High Water Profiles, Town Creek, Standifer - Pryor Cove Branch, and Little Sequatchie River in Marion County, Tennessee" and "High Water Profiles, Sequatchie River in Marion County, Tennessee" (Tennessee Valley Authority, January 1962) which are made a part of this ordinance.

(b) Along other streams, land which is below the elevation of an overflow which would rise to five (5) feet above median streamflow elevation unless some lower elevation is determined by a registered engineer to be a reasonable level.

(23) "Lot." A parcel of land occupied or capable of being occupied by one (1) or more buildings and the accessory buildings or used customarily incidental to it, including such open spaces as are required by this ordinance.

(24) "Lot width." The distance between the side boundaries of the lot measured at the front building line.

(25) "Mobile home (trailer)." A detached single-family dwelling unit with the following characteristics:

(a) A factory manufactured mobile home constructed as a single self-contained unit and mounted on a single chassis. This is commonly referred to as a single-wide mobile home.

(b) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

(c) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

(d) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

(26) "Mobile home park." The term mobile home park shall mean any plot of ground within Jasper on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(27) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(28) "Motel." Lodging primarily for transients traveling by automobile with parking spaces on the lot for each lodging unit and with access to each such unit directly from the outside or from an interior hallway having direct access to the outside. The term motel includes buildings designed as auto courts, motor lodges, and similar terms.

(29) "Non-conforming use." A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is located.

(30) "Nursing home." Any building in which aged, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.

(31) "Outdoor advertising sign." An attached or freestanding structure conveying some information, knowledge or idea to the public.

(32) "Side yard." An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

(33) "Sign." Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or presented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of an announcement, advertisement, attention arrester, warning or designation of any person, firm, group, organization, place, community, product, service, business, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warning at railroad crossings.

(b) Signs located inside a building.

(c) Memorial plaques or tablets.

(d) Inside faces of score board fences or walls on athletic fields.

(e) Historical site plaques.

(34) "Sign, off-premises." Any sign which is not an on-premises sign.

(35) "Sign, on-premises." Any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises.

(36) "Structure." Anything constructed or erected or placed material or combination of materials in or upon the ground, excluding sidewalks and paving

on streets, driveways and parking areas. A fence is considered to be a structure, however, the front yard and side yard set back requirements set forth in the table incorporated into Jasper Municipal Code section 14-209 do not apply to fences. Fences are regulated by Jasper Municipal Code section 14-705.

(37) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) can operate independent of connections to external sewer, water and electrical systems;

(b) contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

(c) is identified by the manufacturer as a travel trailer.

(38) "Travel trailer park." The term travel trailer park shall mean any plot of ground within Jasper on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

(39) "Zone lot." A parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, use, and that can provide such yards and other open spaces required by the zoning regulations. (1983 Code, § 11-202, as amended by Ord. #224, § 1, July 1996, Ord. #271, Aug. 2001, and Ord. #290, Feb. 2004)

14-203. Districts. For the purpose of this ordinance, the Town of Jasper, Tennessee, is hereby divided into nine (9) districts, designated as follows:

R-1 Low Density Residential District

R-2 High Density Residential District

C-1 Central Business District

C-2 General Commercial District

C-3 Professional District

I-1 Industrial District

I-2 Light Industrial District

A-1 Agriculture District

F-1 Floodway District

(1983 Code, § 11-203, modified)

14-204. District boundaries. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Town of Jasper, Tennessee, dated April, 2010"¹ and certified by the town recorder. Said map is incorporated herein by reference, and it shall be on file in the office of the town recorder.

¹Ordinances amending the zoning map are of record in the office of the town recorder.

Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. (1983 Code, § 11-204, as replaced by Ord. #255, May 2000, and Ord. #339, Nov. 2010)

14-205. Zoning regulations affecting every structure and use. The following restrictions are pertinent to every structure and use under the jurisdiction of this ordinance:

(1) Use. No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved or altered nor shall any land, structure or building be used except in conformity with the regulations herein specified for the district in which it is located.

(2) Density. No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

(a) house a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or

(b) have narrower or smaller front or side yards than are herein required.

(3) Lot area and reduction of lot size. No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that the lot width or size of yards or lot area per family or any other requirement of this ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(4) Yards. No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building except in the CBD.

(5) One (1) principal building on a lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one (1) lot.

(6) Public street frontage. No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street, excepting those buildings which may abut upon an Interior Circulation Drive that has been approved by the Jasper Regional Planning Commission.

(7) Requirement of buffer strips. Where a use is established in areas zoned C-1, C-2, I-1 or I-2 which abuts at any property in areas zoned R-1 or R-2 the developer of said use shall provide a buffer strip as defined herein at the

point of abutment. (1983 Code, § 11-205, as amended by Ord. #236, § 3, Jan. 1998)

14-206. Continuance of non-conforming uses. The lawful use, normal maintenance and repair of any building or structure or land existing at the time of the enactment of the ordinance comprising this section may be continued even though such use does not conform with the provisions of this section except that the non-conforming structure or use shall not be:

- (1) Changed to another non-conforming use;
- (2) Re-established after discontinuance for one (1) year;
- (3) Extended or enlarged except in conformity with this section; and
- (4) Rebuilt; altered or repaired after damage exceeding fifty percent (50%) of its replacement cost at the time of destruction, except in conformity with this section. The value shall be computed from the amount the structure is assessed for tax purposes by the Town of Jasper. The nonconforming use provisions in this section shall not apply to residential structures that were in existence or in present use prior to the incorporation of the Town of Jasper. In other words, if a residence was in existence before incorporation of the Town of Jasper and said residence is now located in a C-1, Central Business District, or a C-2, General Commercial District, or in any other district, if it is damaged and/or destroyed by fire or other hazard, it may be rebuilt within one (1) year from the date of said destruction and/or damage, and may be continued to be used for residential purposes. (1983 Code, § 11-206, as replaced by Ord. #312, Jan. 2007)

14-207. Off-street automobile parking. Off-street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be at least ten (10) feet wide and twenty (20) feet long--two hundred (200) square feet in area--and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a major or secondary thoroughfare, excluding residential property:

- (1) Automobile sales and repair garages. One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

- (2) Gasoline filling stations. Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.

- (3) Hospitals and nursing homes. One (1) space for each three (3) employees and one (1) space for each doctor, plus one (1) space for each four (4) beds.

- (4) Hotels. One (1) space for each three (3) employees plus one (1) space for each guest bedroom.

(5) Industrial. One (1) space for each two (2) employees on a single shift plus one (1) space for each company vehicle operating from the premises.

(6) Lodges and clubs. One (1) space for each three (3) members.

(7) Offices. One (1) space for each four hundred (400) square feet of floor space except in the central business district.

(8) Places of amusement or assembly without fixed seats. One (1) space for each three hundred (300) square feet of floor space devoted to patron use.

(9) Places of public assembly. One (1) space for each four (4) seats in the main assembly room.

(10) Residential. Two (2) spaces for each dwelling unit (a drive-way may be used for parking.)

(11) Restaurant. One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.

(12) Retail business. One (1) parking space for each six hundred (600) square feet of gross floor space, except in the Central Business District.

(13) Rooming and boarding houses. One (1) space for each two (2) bedrooms available for rent.

(14) Schools. One (1) space for each five (5) students.

(15) Tourist courts and motels. One (1) space for each room of accommodation.

(16) Wholesale business. Two (2) spaces for each employee.

(17) Location on other property. If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off street property provided such property lines within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.

(18) Joint use of off-street parking. Nothing in this ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately. (1983 Code, § 11-207, as amended by Ord. #334, Nov. 2008)

14-208. Off-street loading and unloading space. On every lot on which a business, trade or industry use is hereafter established, space with access to the public street or alley shall be provided, as indicated below, for loading and unloading of vehicles off the public street or alley:

(1) Retail business. One (1) space of at least ten (10) feet by thirty-five (35) feet for each three thousand (3,000) square feet of floor area or part thereof, excluding the central business district.

(2) Wholesale and industrial. One (1) space of at least ten (10) feet by fifty (50) feet for each ten thousand (10,000) square feet of floor area or part thereof.

(3) Bus and truck terminals. One (1) space to accommodate each bus or truck that will be stored and loading or unloading at the terminal at any one (1) time. (1983 Code, § 11-208)

14-209. Area, yard and height requirements for all zoned areas. The following table established the minimum size, width and height requirements for the land use within each designated district:

AREA, YARD, AND HEIGHT REQUIREMENTS

This article is established to show the minimum size, width, and height requirements for the land uses within each designated district.

District	Minimum Lot Size			Minimum Front Yard Set Back From Right-of-Way of Street		Minimum Side Yard	Maximum Height	Minimum Back Yard
	Area in Sq. Feet	Square Feet per Family	Lot Width in Feet	Major Street	Corner Lots			
R-1	12,000	12,000	100	25	20	10' except on corner lot when it is 25' from right-of-way of adjacent street	35	10
R-2	5,000	One Family 5,000	50	25	20	10' except on corner lot when it is 25' from right-of-way of adjacent street	50	10
	8,000	Two Family 4,000	75					
	9,000	Multi-Family 3,000	90					
C-1						10 Unless the Buildings are Flush Against One Another	50	10 Unless Back Yard is a Public Street or Alley
C-2				30* 35**	30		50	
C-3				40	20		35	

District	Minimum Lot Size			Minimum Front Yard Set Back From Right-of-Way of Street		Minimum Side Yard	Maximum Height	Minimum Back Yard
	Area in Sq. Feet	Square Feet per Family	Lot Width in Feet	Major Street	Corner Lots			
I-1				35* 45**	35	20		25
I-2				35* 45**	35	20	50	25
A-1				40	20	20		20

* If fronting on a local or collector street

** If fronting on major thoroughfares

(1983 Code, § 11-209, as amended by Ord. #174, May 1990 and Ord. #193, Oct. 1992, modified, and amended by Ord. #283, Feb. 2003, and Ord. #306, Aug. 2006)

14-210. Floodway fringe areas. Areas lying outside the floodway but within the areas subject to flood shall be subject to the following regulations.

(1) No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the lowest floor of said building or structure is placed above flood level. Foundations of all structures shall be designed to withstand flood conditions at the site.

(2) Land may be filled within these flood fringe areas, provided such fill does not extend into the floodway and further provided that such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon.

(3) Any structures proposed to be located outside the floodway but within one hundred (100) feet of any main drainage channel or stream (hereafter referred to as stream) within the town of Jasper must be approved by the planning commission. The planning commission or other designated public official shall determine on the basis of the area of the watershed and the probable runoff the openings needed for the steam or how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater. (1983 Code, § 11-210)

14-211. Sign controls. (1) The following regulations apply to on-premises signs in the districts hereinafter set forth:

(a) Residential (R-1 and R-2) and Commercial (Professional C-3).

(i) Signs accessory to home occupations conducted in a dwelling are permitted provided that the surface display area on one side of the sign does not exceed two square feet.

(ii) No more than one sign shall be erected for each permitted use on the premises.

(iii) Real estate signs are permitted.

(iv) Signs in the C-3 Professional District are permitted provided that the surface display area on one side of the sign does not exceed twelve square feet.

(v) No other signs are permitted.

(b) General Commercial District (C-2).

(i) Attached signs are permitted provided said signs:

(a) Are not greater than one hundred (100) square feet in total display surface area or twenty percent (20%) of the area of the building's face upon which it is erected, whichever is more restrictive;

(b) Are not mounted on or to the roof or extend above the roof line.

(ii) Ground signs are permitted provided said signs:

(a) Are not larger than one hundred (100) square feet in surface display area;

(b) Are set back five (5) feet from all rights-of-way;

(c) Are spaced so they are no closer than fifty (50) feet to one another; and

(d) Are no higher than thirty-five (35) feet, except when located within one hundred (100) feet of a residential zone it shall not exceed sixteen (16) feet in height.

(iii) Real estate signs are permitted.

(iv) Contractor's signs are permitted.

(v) Aggregate display surface area of all signs shall not exceed one hundred fifty (150) square feet plus an additional square foot for each linear foot of street frontage over one hundred (100) feet, the total size sign not to exceed three hundred (300) square feet.

(c) Industrial District (I-1).

(i) Attached signs are permitted provided said signs:

(a) Are not greater than one hundred (100) square feet in total display surface area or twenty percent (20%) of the area of building's face upon which it is erected, whichever is more restrictive;

(b) Are not mounted on or to the roof or extend above the roof line.

(ii) Ground signs are permitted provided said signs:

(a) Are not larger than seven hundred seventy five (775) square feet in surface display area;

(b) Are setback five (5) feet from all rights-of-way;

(c) Are spaced so that they are no closer than fifty (50) feet to one another.

(iii) Real estate signs are permitted.

(iv) Contractor's signs are permitted.

(v) Aggregate display surface area of all signs shall not exceed one thousand (1,000) square feet.

(2) Billboards are permitted only in the Industrial District (I-1) provided said signs:

(a) Are not larger than seven hundred seventy five (775) square feet in surface display area.

(b) Are spaced at least 1000 feet apart and otherwise comply with regulations of the Tennessee Department of Transportation.

(c) A billboard is defined as any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

(3) All signs hereafter erected in any district shall also comply with the following regulations:

(a) Signs painted or pasted directly on the structures shall be counted against the aggregated display surface area allowed.

(b) Signs incorporating any noisy mechanical device are expressly prohibited.

(c) No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices.

(d) Illuminated signs and outside lighting devices including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb should not exceed seventy-five (75) watts.

(e) No signs of any type or any foundation or support therefor shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.

(f) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

(g) Signs are prohibited which contain or are an imitation of an official traffic signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.

(h) No new billboards shall be erected within the corporate limits of Jasper, except as allowed in Industrial District (I-1).

(i) The setback refers to any portion of the sign or its supports.

(j) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(i) The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.

(ii) When two signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one such face shall be included in computing the total display surface area of the sign.

(iii) The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.

Example: A

(iv) The display surface area of a sign consisting of connected letters of letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.

Example:

Area = A + B

	A	
		B

(v) The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.

(k) Any sign legally in existence at the time of the effective date of this chapter may be continued in use despite any nonconformity with these provisions; if such non-conforming sign is removed or altered by act of God, vandalism or accident, it may be restored to its former condition; if such nonconforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done; if such sign need to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced or reerected.

(l) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with same, those contained within Chapter 23, "Signs and outdoor displays", of the Southern Standard Building Code, 1982 edition shall apply.

(4) Requirements for off-premises signs

(a) Off-premises signs shall conform to the height limits found within each zoning district.

(b) Off-premises signs shall only be located in the C-2, I-1 and I-2 zoning districts.

(c) Off-premises signs shall be limited to one hundred (100) square feet of sign area.

(d) No off-premises sign shall be located within one hundred (100) feet of any R-1 or R-2 zone.

(e) Off-premises signs shall be limited to one per zone lot.

(f) Any sign erected, constructed or placed on any property in the Town of Jasper shall conform to the latest adopted revision of the adopted building code of the Town of Jasper, and if serviced by electrical power, the latest adopted revision of the National Electrical Code. Electrical materials and devices incorporated into such signs shall be certified by the Underwriter's Laboratories, Inc., and shall bear the UL label of another approved testing laboratory.

(g) All applications for signs shall be accompanied by complete plans and specifications showing the construction, methods of support and the materials to be used. In addition to any other required information such plans and specifications shall include the following:

(i) The total number of square feet of existing and proposed signage on the parcel where the proposed sign is to be erected.

(ii) For off-premises signs and portable signs, the name and a notarized consent affidavit of the property owner and/or lessee of the proposed site. (Ord. # 148, Sept. 1986, as amended by Ord. # 168, Dec. 1988, and Ord. #271, Aug. 2001)

14-212. Access to federal or state highways. In order to provide the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following regulations shall apply:

(1) Egress and ingress to any new commercial establishment along a federal or state highway shall be approved in writing by the Tennessee Department of Transportation before the town can issue a building permit for the structure;

(2) The points of egress and ingress to any new commercial establishment along a federal or state highway shall be located so as to allow a driver sufficient sight distance in both directions. The minimum acceptable visibility (in feet) is ten (10) times the speed limit at that point on the highway;

(3) A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width;

(4) There shall be no more than two (2) points of access to any one (1) public street on a lot of less than 400 feet but more than 100 feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street;

(5) No point of access shall be allowed within twenty (20) feet of the intersection of two public streets;

(6) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area. Curbing or cement "logs" shall be placed at least three (3) feet from the sidewalk;

(7) No curbs on town streets or rights-of-way shall be cut or altered without written approval of the building inspector; and

(8) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1983 Code, § 11-212)

14-213. Site plan requirements. The site plan approval process offers a unique opportunity for all public officials, utility companies, and the developer to get a clear understanding of what is to be done before a project is started. A site plan is required for any new commercial or industrial structure or extensive remodeling project in Jasper.

If any applicant feels that his site plan has been unjustly disapproved or that the building inspector has required conformity with standards other than those set forth in this ordinance, he may appeal the decision of the building inspector to the board of zoning appeals.

When submitted to the building inspector for approval, the site plan shall show the following:

(1) A vicinity sketch showing the location of the site in relation to the surrounding street system;

(2) The boundary lines of the area included in the site plan, including an arrow pointing north and the lot area of the land included in the site plan. Adjacent properties and their uses shall be identified;

(3) Existing and proposed grades and drainage systems and structures, preferably with topographic contours at intervals not exceeding five (5) feet. The minimum first floor elevation of any new building shall be at or above the level of the 100-year flood.

(4) The shape, size, location, height and floor area of all structures;

(5) Natural features such as woodlots, streams and lakes or ponds, and manmade features such as existing roads and structures with indication if any are to be altered;

(6) Proposed streets, driveways, parking areas, loading zones and sidewalks. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown;

(7) The size and location of all existing and proposed public and private utilities and required landscaping; and

(8) Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.

(9) The location and design of all interior circulation drives. (1983 Code, § 11-213, as amended by Ord. #236, § 4. Jan. 1998)

14-214. Telecommunications structures. Telecommunications structures are not allowed in the corporate limits unless within a permitted zone.

Telecommunications structures, where allowed as a permitted use by this ordinance, are subject to the following requirements:

(1) Setback. (a) All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.

(b) In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.

(c) In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the base of the tower, shall be equal to one-hundred (100) percent of the tower height.

(2) Shared use. (a) The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:

(i) The planned equipment would exceed the structural capacity of the existing and approved towers and said towers do not have the capability to be upgraded.

(ii) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.

(iii) The planned equipment would not function effectively and reasonably on an existing tower.

(iv) Geographic service requirements would prevent the co-use of an existing tower or structure.

(b) The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

(3) Type. All new towers shall be monopole type structure. No lattice type towers or antennas shall be permitted in the Town of Jasper.

(4) Structural requirements. Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the

tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

(5) Buffering and landscaping. (a) For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.

(b) All ground structures shall be buffered in a manner which consist of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

(6) Height. (a) No tower shall exceed a height of two hundred and fifty (250) feet.

(b) In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

(7) Co-located towers and antennas. The co-location of towers and antennas shall only be permitted on existing and proposed telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

(8) Vehicle access control. The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.

(9) Lighting. (a) Towers. No artificially lighted tower shall be permitted in the Town of Jasper. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(b) Structures. Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 feet candles measured at the property line, easement line or abutting properties zoned for residential use.

(10) Security. The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing shall be required by the Jasper Planning Commission on the outside of the security fencing as an aesthetic buffer which shall be incorporated into the buffering requirement in (5) of this section.

(11) Removal of obsolete towers. (a) Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the town with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

(b) Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the town's designated official and then approved by the planning commission during the site plan review process.

(12) Site plan requirements. Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this ordinance shall be required.

(a) If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.

(b) A letter of intent from the owner and any successive owners allowing for the shared use of the tower.

(c) A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(d) A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.

(e) A site plan, per § 14-213 of this chapter, reviewed and approved by the Jasper Planning Commission. (as added by Ord. #240, Oct. 1998)

14-215. Erosion control. Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to a minimum. When deemed necessary, the planning commission may require that a detailed erosion and sedimentation control plan, prepared by a registered civil engineer or a Tennessee licensed land surveyor be submitted with the plat. All erosion control measures will be approved in the field by the planning commission representative and maintained by the developer.

Control Measures

The following control measures should be used as a minimum for erosion control:

(1) The smallest practical area of land should be exposed at any one time during development. Mulching or other protective measures should be used to protect exposed areas.

(2) Areas that will be exposed for more than one (1) month shall be seeded and mulched or landscaped.

(3) Temporary furrows, terraces, sediment or debris basins should be installed to prevent washing and erosion during construction.

(4) In areas where soil may wash onto the roadway or into a drainage basin, the developer will be required to install a silt fence or hay bales, or both.

(5) Final vegetation should be installed as soon as practical in the development after the land is exposed.

(6) A gravel construction entrance shall be constructed prior to any site work. Sediment washed onto roadways or into drainage ditches or basins, and soil tracked onto roadways by construction equipment or daily ingress and egress onto the site shall be removed at the end of each working day. (as added by Ord. #247, Aug. 1999)

CHAPTER 3

RESIDENCE DISTRICTS

SECTION

14-301. R-1 low density residential district.

14-302. R-2 high density residential district.

14-301. R-1 low density residential district. Within the R-1 residential district of the Town of Jasper, Tennessee, the following uses are permitted:

(1) One (1) family detached dwellings, however, mobile homes, trailers, and/or any structure which is not permanently affixed to the real estate shall not be allowed.

(2) Agricultural uses;

(3) Cemeteries;

(4) Churches, provided that there is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering on streets; and

(5) Church bulletin boards not exceeding twenty (20) square feet in area;

(6) One (1) customary accessory building, including private garages and non-commercial workshops, provided that the building is located in the rear yard and not closer than ten (10) feet to any lot line. For a residence occupying a lot that is five (5) acres or larger in size, up to two (2) customary accessory buildings are allowed.

(7) Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty, and tailor shops, or the accommodation of not more than two boarders provided that there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area and that operations are conducted within the dwelling by not more than one member of the household and without employees from outside the home;

(8) Municipal, county, state or federal buildings or land uses;

(9) Child care centers provided there is at least one hundred seventy-five (175) square feet of outdoor play area for each child at any one time and that the play area is enclosed by a fence that will adequately contain children. To be permitted in an R-1 Zone, the child care center shall receive no more than seven (7) children for care who are eighteen (18) years of age or less for less than twenty-four (24) hours without transfer of custody;

(10) Public and semi-public recreational facilities and grounds;

(11) Schools offering general education courses;

(12) Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located;

(13) Substations, such as electric, telephone, or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:

- (a) the structures are placed not less than fifty (50) feet from any property line;
- (b) the structures are enclosed by a woven-wire fence at least eight (8) feet high;
- (c) no vehicles or equipment are stored in the premises; and
- (d) the lot suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side property lines. (1983 Code, § 11-301, as amended by Ord. # 152, Nov. 1986, Ord. #194, Jan. 1993, Ord. #211B, § 1, April 1995, Ord. #242, Jan. 1999, Ord. #289, Feb. 2004, and Ord. #297, Sept. 2005)

14-302. R-2 high density residential district. Within the R-2 residential district of Jasper the following uses shall be permitted:

- (1) Any use permitted in the R-1 residential district.
- (2) Multi-family dwellings.
- (3) Boarding and rooming houses.
- (4) Mobile home parks and travel trailer parks provided they meet minimum requirements contained in all other pertinent ordinances in the code regulating same.¹ (1983 Code § 11-302, modified, as amended by Ord. #290, Feb. 2004)

¹Municipal code reference
Title 9, chapter 3.

CHAPTER 4

BUSINESS DISTRICTS

SECTION

- 14-401. Central business district.
- 14-402. C-2 general commercial district.
- 14-403. C-3 professional district.

14-401. Central business district. The following uses are permitted in the C-1 central business district of Jasper, Tennessee:

- (1) Any retail business or services including those which are making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than forty (40) percent of the floor area and employs not more than five (5) operators.
- (2) Automobile sales rooms.
- (3) Bus terminals and taxi cab stands.
- (4) Clubs and lodges.
- (5) Hotels and offices.
- (6) Funeral parlors.
- (7) Banks.
- (8) Insurance agencies.
- (9) Motels.
- (10) Newspaper and printing plants.
- (11) Off-street parking lots.
- (12) Professional offices for doctors, lawyers, dentists, architects, artists, engineers and the like.
- (13) Public uses and structures.
- (14) Public utility structures.
- (15) Radio and television stations.
- (16) Restaurants, bars, grills, and similar eating and/or drinking establishments, excluding drive-ins.
- (17) Schools, colleges and churches.
- (18) Signs:
 - (a) outdoor advertising;
 - (b) professional or announcement.
- (19) Theaters, indoor.
- (20) Drug stores.
- (21) Service stations.
- (22) Hospitals.
- (23) Nursing homes.
- (24) Child care centers provided there is 50 square feet of outdoor play area for each child at any one time and that the play area is enclosed by a fence that will adequately contain children.

A child care center as a permitted use in this zone is defined as any place operated by a person, society, agency, corporation, institution or religious organization, or any other group which receives any number of children eighteen (18) years of age or less for less than 24 hours without transfer of custody.

(25) This subsection was deleted by Ord. #243, Feb. 1999. (1983 Code, § 11-401, as amended by Ord. # 152, Nov. 1986; Ord. #211B, § 2, April 1995; Ord. #240, Oct. 1998; and Ord. #243, Feb. 1999)

14-402. C-2 general commercial district. Within the C-2 general commercial district the following uses are permitted:

- (1) Any use permitted in the C-1 business district, except industry, other than that which is incidental to a retail business or service.
- (2) Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare.
- (3) Any retail business or service customarily serving residential neighborhoods.
- (4) Agricultural implement, sales, service and repair.
- (5) Automobile parts sales.
- (6) Bakery shops, including the manufacture of products to be sold primarily on the premises.
- (7) Bowling alleys.
- (8) Bus terminals provided they shall front on a major thoroughfare.
- (9) Drive-in theaters and restaurants and outdoor theaters provided they shall front on a major thoroughfare.
- (10) Drug stores.
- (11) Gasoline service stations, provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of access and egress shall be located not less than twenty (20) feet from the intersection of street lines.
- (12) Hobby, antique and souvenir shops.
- (13) Motels.
- (14) Sales and service of boats and mobile homes.
- (15) This subsection was deleted by Ord. #245, June 1999.
- (16) Used car lots. (1983 Code, § 11-402; modified; and as amended by Ord. #245, June 1999)

14-403. C-3 professional district. Within the C-3 professional district, the following uses are permitted:

- (1) Any use permitted in a residential district, except that use permitted by § 14-301(9) and § 14-302(5) aforesaid.
- (2) "Professional" offices as defined as persons in "an occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field."

(3) Any use permitted shall be in harmony with and not detrimental to the uses permitted in adjoining districts.

(4) Any use permitted shall not appreciably increase traffic congestion or off-street parking problems. (as amended by Ord. #211B, § 3, April 1995)

CHAPTER 5

INDUSTRIAL DISTRICTS

SECTION

14-501. I-1 industrial districts - uses permitted.

14-502. I-2 light industrial district - uses permitted.

14-503. A-1 agricultural districts - uses permitted.

14-501. I-1 industrial districts - uses permitted. The I-1 zone is established to provide an area for firms engaged in manufacturing and distribution of goods; to discourage uses incompatible to manufacturing; and protect the surrounding higher land uses and also to protect the industries in this district.

The following uses are permitted:

(1) Industries, provided that any industry that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard or other objectionable conditions, shall be required to show that the proposed location, construction and operation will not injure present or prospective industrial development in the district or surrounding districts.

(2) Agricultural equipment sales and repair.

(3) Automobile sales rooms and repair garages.

(4) Baking establishments.

(5) Bottling and distribution plants.

(6) Bulk storage plants.

(7) Bus terminals and taxi cab stands.

(8) Electronic firms.

(9) Funeral parlors.

(10) Gasoline service stations.

(11) Heavy equipment sales and service.

(12) Laundry and dry cleaning establishments.

(13) Newspaper and printing plants.

(14) Off-street parking lots.

(15) Professional offices for doctors, lawyers, dentists, architects, artists, engineers and similar professional services.

(16) Public uses and structures.

(17) Public utility structures.

(18) Radio and television stations.

(19) Restaurants, cafes and similar establishments.

(20) Schools and colleges.

(21) Signs:

(a) business; and

(b) outdoor advertising.

(22) Stockyards and livestock sales.

- (23) Theaters.
- (24) Truck terminals.
- (25) Veterinarian hospitals and kennels.
- (26) Wholesale and storage businesses including building material yards.
- (27) Any use permitted in a R-2 zone, except those uses permitted by § 14-301(9) and § 14-302(5) aforesaid.
- (28) Mobile home sales and service.
- (29)¹ Telecommunications structures, subject to the provisions of chapter 2, § 14-214 of this ordinance. (1983 Code, § 11-501, as amended by Ord. 211B, § 4, April 1995; Ord. #238, Oct. 1998; and Ord. #240, Oct. 1998)

14-502. I-2 light industrial district - uses permitted. The I-2 zone is established to provide an area for businesses engaged in commercial retail and/or distribution of goods and services; to discourage uses incompatible to the need for easy access and to protect the surrounding higher land uses and also to protect the businesses themselves within this district.

The following uses are permitted:

- (1) Light industries, provided that any business that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction and operation will not injure present or prospective industrial development in the district or surrounding districts, and
 - (a) Employment is limited to fifty employees on any eight hour shift.
 - (b) Off-street parking is provided in a designated area at the ratio of two (2) spaces per three (3) employees on the shift employing the greatest number of employees.
 - (c) The Tennessee Department of Health and Environment must determine that in absence of public sewerage, the method of sewerage disposal is adequate.
 - (d) The operation is completely enclosed to include storage of waste materials.
 - (e) The State Fire Marshal's Office must determine that the operation will not constitute a fire hazard and that the operation itself, will not increase insurance rates for any other establishment.
 - (f) Adequate off-street loading and unloading space at the rear of the building will be provided.
- (2) Public uses and structures.
- (3) Public utility structures. (Ord. #193, Oct. 1992)

¹Ord. #240 added this subsection as (28), however, the compiler changed the number to (29) to keep in numerical order.

14-503. A-1 agricultural districts - uses permitted. The A-1 zone is established to protect present land use and to provide an area for farming and animal husbandry.

The following uses are permitted:

- (1) Agricultural uses including crops, tree farming, livestock grazing, and other agricultural uses which are of the same or a closely similar nature.
- (2) Any of the uses permitted in the other districts provided that the new uses complies with § 14-212 and § 14-213 of this chapter. (Ord. #193, Oct. 1992)

CHAPTER 6

FLOODWAY DISTRICT

SECTION

14-601. F-1 floodway district.

14-602. Adjacent to residential district.

14-603. Uses permitted in floodway adjacent to an industrial district.

14-604. Planning commission approval.

14-601. F-1 floodway district. Open-type uses are permitted in the F-1 floodway district subject to approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest.¹ (1983 Code, § 11-601)

14-602. Adjacent to a residential district. The following uses are permitted:

(1) Agricultural uses including crop, nursery stock and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.

(2) Railroads, streets, bridges and public utility wire and pipelines for transmission and local distribution purposes.

(3) Public parks and playgrounds and outdoor private clubs, including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.

(4) Recreational camps, camp grounds and camp trailer parks provided that rest room facilities shall be located and constructed in accordance with the health department requirements.

(5) Any other uses customarily accessory or incidental to the above uses. (1983 Code, § 11-602)

14-603. Uses permitted in floodway adjacent to an industrial district. The following uses are permitted:

(1) Any of the above permitted uses.

(2) Commercial excavation of natural materials.

(3) Storage yards for equipment and material not subject to major damage by flood, provided such use is accessory to a use permitted in the adjoining district.

¹Municipal code reference

This chapter should be construed in conjunction with chapter 11, Flood Damage Prevention.

(4) Other similar uses accessory to those permitted in the adjoining district. (1983 Code, § 11-603)

14-604. Planning commission approval. No permit shall be issued for the construction of any building or structure including railroads, streets, bridges and utility lines or for any use within the floodway until plans for such construction or use have been submitted to the planning commission and approval is given in writing.

In its review of plans submitted and keeping in mind that the purpose of these requirements is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property, the planning commission shall be guided by the following standards:

(1) Any structures permitted shall be of a type not to be appreciably damaged by floodwater, provided no structures for human habitation shall be permitted.

(2) Any use permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining district.

(3) Any permitted structures shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the flow of water.

(4) Where, in the opinion of the planning commission, topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or fill and/or the effect of the structure or fill on the flow of water, the planning commission may require the applicant to submit such data and other studies prepared by competent engineers and other technical people.

(5) Any structure, equipment, or material permitted shall be firmly anchored to prevent it from floating away and thus damaging other structures and threatening to restrict bridge openings and other restricted sections of the stream.

(6) The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Jasper or the planning commission or by any officer or employee thereof of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto. (1983 Code, § 11-604)

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-701. Existing lots.
- 14-702. Front yard setbacks of dwellings.
- 14-703. Height limits.
- 14-704. Corner lots.
- 14-705. Vision clearance.
- 14-706. Residential townhouse and patio homes regulations.
- 14-707. Planned shopping centers.
- 14-708. Hazardous waste.
- 14-709. Interior circulation drives.

14-701. Existing lots. Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the enactment of this ordinance did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of this ordinance, such plot of land may nevertheless be used as a building site. The yard and other space requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the building inspector permit any lot in a residential district to be used as a building site which is less than four thousand (4,000) square feet in total area and thirty (30) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than three (3) feet. (1983 Code, § 11-701)

14-702. Front yard setbacks of dwellings. (1) The front yard setback requirements of this ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but no less than the average of the setbacks of the aforementioned existing buildings.

(2) Front yard and side yard setbacks of dwellings remain an exception to the zoning ordinance as it pertains to the infilling of vacant lots within an established neighborhood. (1983 Code, § 11-702, as amended by Ord. # 174, May 1990)

14-703. Height limits. The height limitations of this ordinance shall not apply to bellfires, church spires, cupolas, domes, and similar structures not intended for human occupancy, nor to chimneys, derricks, flag poles, monuments, smoke stacks, water towers, or telecommunications structures regulated by Jasper Municipal Code § 14-214. (1983 Code, § 11-703, as amended by Ord. #240, Oct. 1998)

14-704. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (1983 Code, § 11-704)

14-705. Vision clearance. In all use districts, except the C-1 central business district, no fence, wall, shrubbery or other obstruction to vision in excess of three (3) feet above the finished grade of street right of way along which said fence, wall, shrubbery or other obstruction to vision is located, shall be erected, permitted or maintained within twenty (20) feet of the intersection of the rights-of-way lines of streets and railroads. (1983 Code, § 11-705, as replaced by Ord. #224, § 2, July 1996)

14-706. Residential townhouse and patio homes regulations.

(1) Purpose. In Jasper's residential zoning districts, fee simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within these districts, townhouse units and patio homes can be developed and sold as individually-deeded lots in fee simple to those who desire this type of low maintenance home, provided the development follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

(2) Definitions. (a) Patio homes. A patio home shall be defined as a single-family residential dwelling of one (1) or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one (1) side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

(b) Residential townhouses. A residential townhouse shall be defined as a single-family residential dwelling of one (1) or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

(3) Regulations for townhouses. All townhouse complexes shall incorporate the following features which have proved to provide the most attractive developments:

(a) They shall contain between two (2) and seven (7) units in each building;

(b) Each townhouse shall have an architectural character that is individual yet compatible with its neighbors;

(c) The front facades shall be off-set horizontally and the rooflines shall be off-set vertically from one another to avoid the appearance of an apartment building;

(d) One (1) story units, when used, shall be placed on the end of a building.

Since a townhouse complex involves common walls unlike the patio home, some separate requirements are necessary to each type of development. (Note: the regulations in subsection (5) also apply to townhouses.)

(e) Subdivision plat approval procedure for townhouse construction. Since it is intended that the land in a townhouse development be used for owner-occupied townhouses, each townhouse shall occupy a separate subdivision lot. Since the townhouses are joined or appear to be joined, they shall be built as entire units.

Therefore, to prevent the sale of individual unbuilt lots, no individual lots can be recorded until the following subdivision and development process shall have been followed by the developer:

(i) Prepare a site plan and a preliminary major subdivision plat for the proposed townhouse development (major lots are those which shall each contain a row of several townhouses);

(ii) Present the site plan to the Jasper Building Inspector for review and the preliminary subdivision plat to the Jasper Municipal Regional Planning Commission and obtain approval of both;

(iii) Proceed to construct the required streets, etc., and the building units according to these approved plans after obtaining needed building permits. (This may be done for the entire development or may be done in two (2) or more phases);

(iv) Present final plat of the built-up phases to town building inspector for inspection and verification and then to the Jasper Municipal Regional Planning Commission for final subdivision approval. (The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.);

(v) If all the final subdivision requirements of the Jasper Regional Subdivision Regulations have been met or adequate bonds posted, the planning commission shall grant the final subdivision approval for the phases that have been constructed with townhouses;

(vi) The developer may then record this final plat and can then transfer ownership of the townhouse units.

(f) Area and dimensional requirements for townhouses. All townhouses within Jasper's region shall conform to the following measurements:

- (i) Minimum floor area.

ONE STORY

850 sq. ft.

TWO STORY

(1st Floor)
600 sq. ft.

(Minimum Total)
960 sq. ft.

- (ii) Minimum lot width and public street frontage.
R-1..... 24 feet
R-2.....20 feet

- (iii) Minimum lot area.
R-1.....2,400 sq. ft.
R-2.....2,000 sq. ft.

(iv) Minimum lot depth. Ninety (90) feet provided front and back setbacks and minimum lot areas are met.

- (v) Minimum building line setbacks.
Front: 30 feet from interior street right-of-way.
35 feet from exterior street right-of-way.
Side: None except for end units which shall have a 15 foot side yard.
Rear: 25 feet.

(vi) Minimum separation between buildings containing groups of townhouses.

- (A) End to end.....30 feet
- (B) End to front.....40 feet
- (C) Back to end.....40 feet
- (D) Back to back.....50 feet
- (E) Front to front.....60 feet
- (F) Front to back.....60 feet

(4) Regulations for patio homes. (Note: the regulations in subsection

(5) also apply to patio homes.)

(a) Subdivision plat approval procedure for patio home construction. To insure that each building is built within the proper area of its lot, these regulations shall be followed:

(i) Prepare a site plan and a preliminary subdivision plat for the proposed patio home development. The site plan among other requirements must indicate with a separate line the portions of each lot on which the patio houses must be built and which lot line will have a zero foot setback.

(ii) After approval of the site plan, the normal subdivision review process for preliminary and final plats must be followed.

The final plat will also show the buildable lot area for each lot, so that the building inspector will know if a future house plan for one of these lots complies with the intent of the approved site plan.

(b) Area and dimensional requirements for patio homes. All patio homes within Jasper's region shall conform to the following measurements:

- (i) Minimum lot width at building line.
 - R-1.....60 feet
 - R-2.....50 feet
- (ii) Minimum lot area.
 - R-1.....6,000 feet
 - R-2.....5,000 feet
- (iii) Minimum public street frontage.
 - Forty (40) feet.
- (iv) Minimum lot depth.
 - Ninety (90) feet, provided front and back setbacks and lot area requirements are met.
- (v) Minimum building line setbacks.
 - Front: 30 feet from interior street right-of-way.
35 feet from exterior street right-of-way.
 - Side: Zero feet on one side and twenty (20) feet on the other; except where a lot is on the edge of the patio home development (i.e., abuts a conventional residential area, a townhouse area, a non-residential area, or a side street) in which case either (5)(a) or (5)(b) below shall apply.
 - Rear: 20 feet from another patio home lot.
30 feet from all other types of residential development and from non-residential districts.
- (vi) Minimum separation between patio homes. Twenty (20) feet between any part of any two (2) buildings (except for chimneys and overhangs which shall not exceed three (3) feet.)

(5) Regulations applying to both townhouses and patio homes.

(a) Minimum building setbacks. Minimum building setbacks for side yard adjacent to street right-of-ways on corner lots shall be met as specified in Jasper Municipal Code § 14-209 according to the district in which the development is located.

(b) Minimum side yard setback from edge of residential townhouses and patio homes development. No building shall be located less than twenty (20) feet from any boundary of the residential

townhouse/patio home development. (Larger front and rear setbacks have already been specified.)

(c) Site plan approval required. The site plan referred to in items (3)(e)(i) and (4)(a)(i) for the residential townhouse and patio home development shall be prepared in accordance with the site plan regulations in this § 14-706.

(d) Required utilities. The residential townhouse and patio home development shall be provided with adequate public water and sewerage systems.

(e) Street construction. All proposed streets shall be built in accordance with the requirements of the Jasper Municipal Regional Subdivision Regulations.

(f) Required off-street parking. Two (2) spaces, ten (10) feet by twenty (20) feet in size, shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way (a garage may count for one (1) space). In addition, there shall be paved guest and overflow parking provided on commonly owned land at a ratio of one space per two (2) units.

(g) Reconstruction. In the event that one or more townhouse units are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another townhouse which must be built according to the original intent of these residential townhouse and patio home regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero lot line house also built according to the original intent of these residential townhouse and patio home regulations.

(h) Open space. The maximum lot coverage shall not exceed 55 percent of the lot area. Driveways and sidewalk will be figured in the open space. (1983 Code, § 11-706, as replaced by Ord. #313, July 2007, and amended by Ord. #323, Dec. 2007)

14-707. Planned shopping centers. A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land containing at least two (2) acres not subdivided into customary streets and lots may be constructed provided:

(1) it is located at the intersection of a major thoroughfare and uses permitted are same as the C-1 and C-2 districts;

(2) off-street automobile parking space requirements for the proposed uses are provided on the lot; and

(3) where the project abuts a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district. (1983 Code, § 11-707)

14-708. Hazardous waste. (1) No industry, business or plant shall locate within the corporate limits that is engaged primarily in the handling, processing and disposition of hazardous waste.

(2) The town's zoning ordinance and all applicable sections of the Jasper Municipal Code are amended to reflect the aforesaid prohibition, which shall apply to all zoning districts, and to all areas located within the corporate limits of the Town of Jasper, Tennessee. (Ord. # 173, April 1990)

14-709. Interior circulation drives. Interior circulation drives may be needed in large developments which require large parking ares or parking areas that need to be independent of public streets. These drives interconnect all parking lot access points with all buildings and areas of vehicular traffic, parking, loading and servicing. Interior circulation drives are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. Interior circulation drives may be permitted in accordance with the following requirements:

(1) The width, placement, and design of interior circulation drives shall be reviewed by the planing staff and shall be first approved by the Jasper Regional Planning Commission before such development can occur.

(2) The planning commission may require that the interior circulation drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one development to another.

(3) All circulation drives shall be clearly defined and marked appropriately with arrows and other applicable traffic directional signs or signals to assist vehicular circulation into and out of the property and its parking areas.

(4) Where interior circulation drives parallel a public street, an area of land not less than fifty (50) feet deep shall be provided between the public street right-of-way line and the edge of all proposed interior circulation drives. This area will separate the roadways with a minimum turning, radius. Such area shall be landscaped and grassed.

(5) In no case shall the area of an interior circulation drive be included in the calculations for the required off-street parking within a development, unless the planning commission has determined that an adequate right-of-way width has been established along the interior circulation drive which allows for parking along that drive, without creating an impediment to the flow of traffic along the interior circulation drive.

(6) Interior circulation drives that obtain access to federal or state highways shall comply with § 14-212. Access to federal or state highways, of the Official Jasper Zoning Ordinance.

(7) In no case shall the approval of an interior circulation drive by the Jasper Regional Planning Commission constitute the automatic acceptance of that interior circulation drive as a city street, publicly maintained by the Town of Jasper. (as added by Ord. #236, § 2, Jan. 1998)

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

SECTION

14-801. Building permit required.

14-802. Application for building permit.

14-803. Construction progress.

14-804. Remedies.

14-801. Building permit required. No building or other structure shall be located, erected, moved, or be added to or structurally altered--with a cost exceeding two hundred (200) dollars--without a building permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance. (1983 Code, § 11-801)

14-802. Application for building permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

- (1) the actual dimensions of the lot to be built upon;
- (2) the size of the building or structure to be erected;
- (3) the location of the building or structure on the lot;
- (4) the location of existing structures on the lot, if any;
- (5) the number of dwelling units the building--if residential--is to accommodate;
- (6) the setback lines of buildings on adjoining lots;
- (7) the layout of off-street parking and loading spaces;
- (8) the signature of the supervisor of the Jasper water works;
- (9) the signature of the county health officer approving the proposed location of the septic tank, and field lines, provided public sewerage is not available. The installation of the septic tank and field lines shall be approved by the county health officer before backfilling. Written approval shall then be presented to the building inspector; and
- (10) Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.

Any person wishing to build in a special "flood hazard area" as defined by the Federal Assurance Administration of the Department of Housing and Urban Development must also show on his or her application for a building permit the proposed first floor elevation of the structure. (1983 Code, § 11-802)

14-803. Construction progress. Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (1983 Code, § 11-803)

14-804. Remedies. If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violations in the case of such building, structure or land. (1983 Code, § 11-804)

CHAPTER 9

BOARD OF APPEALS

SECTION

14-901. Appointment.

14-902. Powers and duties of the board of appeals.

14-903. Appeals proceedings.

14-904. Stay of proceedings.

14-905. Appeal to the court.

14-901. Appointment. Five (5) members of the Jasper Planning Commission, appointed by the mayor and board of aldermen shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law. (1983 Code, § 11-901)

14-902. Powers and duties of the board of appeals. Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this ordinance, may appeal for and receive a hearing by the board of appeals (advised by the city attorney) for an interpretation of the ordinance. The board of appeals with advice from the city attorney, may, in conformity with the provisions of this ordinance, reverse or affirm any order, requirements, decision or determination made by the building inspector.

The board of appeals may authorize upon appeal in specific cases variances from the terms of this ordinance that will not be contrary to the public interest. Such variances may be granted in an individual case upon a finding by the board of appeals that all of the following conditions exist:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

(2) Such conditions are peculiar to the particular piece of property involved.

(3) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance. (1983 Code, § 11-902)

14-903. Appeals proceedings. Appeals shall be taken within thirty (30) days of the date of the building permit was denied by the building inspector or within thirty (30) days from the date on which the building inspector issues an order to cease construction on any project wherein no application for a building permit has been filed. Said appeals shall be commenced by the filing with a

building inspector and with the planning commission, a written notice of the appeal which shall specify the grounds therefore.

The building inspector shall forthwith upon receiving notice of an appeal transmit to the board of appeals all documents constituting the record upon which the actions appeal from was taken.

The board of appeals shall fix a time for the hearing of appeals and give at least five (5) days notice to the appealing party or their attorney.

The hearing before the board of appeals shall be de novo. (1983 Code, § 11-903)

14-904. Stay of proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the planning commission after the notice of appeals has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the planning commission or by a court of record on application, on notice to the building inspector, and on due cause shown. (1983 Code, § 11-904)

14-905. Appeal to the court. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the board of appeals may seek review by a court of record of such decision in a manner provided by the laws of the State of Tennessee. (1983 Code, § 11-905)

CHAPTER 10

AMENDMENTS AND LEGAL STATUS

SECTION

14-1001. Amendments.

14-1002. Conflict with other regulations.

14-1001. Amendments. This zoning ordinance may be amended from time to time by the board of mayor and aldermen of the Town of Jasper; but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Jasper Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of the majority of the board of mayor and aldermen to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before enactment of an amendment to this ordinance, the board of mayor and aldermen of Jasper shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Jasper.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of said legislative body. (1983 Code, § 11-1001)

14-1002. Conflict with other regulations. Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern. (1983 Code, § 11-1002)

CHAPTER 11

FLOODPLAIN ZONING ORDINANCE

SECTION

14-1101. Statutory authorization, findings of fact, purpose and objectives.

14-1102. Definitions.

14-1103. General provisions.

14-1104. Administration.

14-1105. Provisions for flood hazard reduction.

14-1106. Variance procedures.

14-1101. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Jasper, Tennessee, Mayor and Alderman, do ordain as follows:

(2) Findings of fact. (a) The Town of Jasper, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (C.F.R.), ch. 1, section 60.3.

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

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

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

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

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

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

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

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

(4) Objectives. The objectives of this ordinance are:

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

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

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

(d) To minimize prolonged business interruptions;

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

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

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (1983 Code, § 11-1101, as replaced by Ord. #208, Art. 1, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

14-1102. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) "Building." See "structure."

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

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

(17) "Existing structures." See "existing construction."

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

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

(a) The overflow of inland or tidal waters.

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

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

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

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

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

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

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

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

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

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

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

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights

greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

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

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

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

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

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

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

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

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

(ii) Directly by the Secretary of the Interior.

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

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

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

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

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

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

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

(48) "100-year flood." See "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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

(a) Built on a single chassis;

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

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

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

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

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

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

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

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

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The current market value shall be determined by the county property assessor's office.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. The current market value shall be determined by the county property assessor's office. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

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

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

The term does not, however, include either:

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

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

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

(62) "Variance" is a grant of relief from the requirements of this ordinance.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical

Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (1983 Code, § 11-1102, as replaced by Ord. #208, Art. 2, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

14-1103. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Jasper, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Jasper, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community ID 475429/Countywide 47115 and Revised Panel Number(s) 0210, 0220, and 0250, dated January 6, 2012 along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

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

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

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

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

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

under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance

shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Jasper, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #155, March 1987, as replaced by Ord. #208, Art. 3, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

14-1104. Administration. (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

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

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-1105(1) and (2).

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

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

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

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

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

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-1104(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, to which the new and

substantially improved buildings have been floodproofed, in accordance with § 14-1104(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-1104(2).

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

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

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (1983 Code, § 11-1104, as replaced by Ord. #208, Art. 4, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

14-1105. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

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

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-1105(2);

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

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

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1105(1), are required:

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

shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1102). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-1102). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-1104(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding shall be designed to preclude finished living space and designed to allow

for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

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

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

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-1105(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

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

(C) In new or substantially improved manufactured home parks or subdivisions;

Must meet all the requirements of new construction.

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-1102).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1105(1) and (2).

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

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

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

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

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

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

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-1105(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-1103(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1105(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-1103(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1105(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-1103(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-1105(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1102). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1104(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1105(2).

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

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1105(1) and (2). Within approximate A Zones, require that those subsections of § 14-1105(2) dealing with the alteration or relocation of a watercourse assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-1103(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three (1' - 3') feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-1105(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-1105(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-1104(2).

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

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-1103(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-1104 and 14-1105 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-1104 and 14-1105. (1983 Code, § 11-1105, as replaced by Ord. #208, Art. 5, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

14-1106. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The Town of Jasper, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Jasper, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation

will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance; and

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1106(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #155, March 1987, as replaced by Ord. #208, Art. 6, June 1994, Ord. #333, Nov. 2008, and Ord. #346, Jan. 2012)

CHAPTER 12

ADULT-ORIENTED ESTABLISHMENTS; LOCATIONS REGULATED

SECTION

14-1201. Definitions.

14-1202. Permitted uses.

14-1201. Definitions. Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions. For the purposes of this chapter, certain words or terms are to be interpreted as follows:

- (1) Words used in the present tense include the future tense;
- (2) Words used in the singular include the plural, and words used in the plural include the singular;
- (3) The word "shall" is always mandatory;
- (4) The word "person" includes a firm, association, organization, partnership, family partnership, limited partnership, trust, limited liability company, company, or corporation, as well as an individual;
- (5) "Adult" means a person who has attained eighteen (18) years of age as defined within Tennessee Code Annotated, § 7-51-1401;
- (6) "Adult bookstore" means a business which offers, as its principal or predominate stock or trade, sexually-oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded, or live and which restricts or purports to restrict admission to adults or to any class of adults as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401;
- (7) "Adult-cabaret" means an establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breasts below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swimsuits, lingerie, or latex covering. "Adult-cabaret" includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401;
- (8) "Adult-entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or other personal service offered customers as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401;

(9) "Adult-mini motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or specified anatomical areas" as defined within this chapter for observation by patrons therein, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401;

(10) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult-motion picture theater, adult-mini motion picture establishment, adult-cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult-entertainment to a member of the public, a patron or a member, when such adult-entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult-entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult-entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401;

(11) "Escort service" means a "person" as defined within this chapter, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts, as defined within Tennessee Code Annotated, § 7-51-1102;

(12) "Massage parlor" means an establishment or place primarily in the business of providing massage or tanning service where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material, as defined within Tennessee Code Annotated, § 7-51-1102;

(13) "Operator" means any person, partnership, or corporation operating, conducting, or maintaining an adult-oriented establishment, as defined within Tennessee Code Annotated, § 7-51-1102;

(14) "Rap parlor" means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults, as defined within Tennessee Code Annotated, § 7-51-1102;

(15) "Sauna" as defined within Tennessee Code Annotated, § 7-51-1102 means an establishment or place primarily in the business of providing:

- (a) A steam bath; or
- (b) Massage services.

(16) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person, as defined within Tennessee Code Annotated, § 7-51-1102;

(17) "Sexually-oriented material" means any book, article, magazine, publication, or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered, as defined within Tennessee Code Annotated, § 7-51-1102;

(18) "Specified anatomical areas" as defined within Tennessee Code Annotated, § 7-51-1102 means:

(a) Less than completely and opaquely covered:

(i) Human genitals;

(ii) Pubic region;

(iii) Buttocks; and

(iv) Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(19) "Specified services" means massage services, private dances, private modeling, acting as an "escort" as defined within this chapter, and other live "adult-entertainment" as defined within this chapter, as defined within Tennessee Code Annotated, § 7-51-1102. (as added by Ord. #336, April 2009)

14-1202. Permitted uses. An adult-oriented establishment is only a permitted use in an I-1 industrial district, as defined in title 14, chapter 5 of the Jasper Municipal Code. Under any circumstance, an adult-oriented establishment is specifically subject to the following special restrictions:

(1) Restrictions. In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to a R-1 or R-2 Residential Zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site used for the purpose of a recreation park, playground, place of worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest property line of the adult-oriented establishment to the nearest property line or boundary of said zone(s) or designated uses. "Adult-oriented establishments," as defined within this chapter, are prohibited

from all parts of the corporate limits of the Town of Jasper, except for those areas zoned I-1 Industrial.

(2) Evaluation. For the purpose of enforcing the above restrictions, it shall be the responsibility of the building inspector. It shall be the responsibility of the applicant to supply a site plan and any other maps, surveys, or other such special information as might reasonably be required.

(3) Adult-oriented establishments--unlawful acts. It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any zone other than an I-1 district or to own, manage or operate such an establishment without obtaining a building permit as required herein and any other permit the Town of Jasper may require.

(4) Signs and other visible messages. Signs and visible messages based on the allowable sign area of the zoning district as shown in title 14, Land Use Controls, chapter 2, General Provisions Relating to Zoning, § 14-211, Sign Controls are permitted provided:

(a) Sign messages shall be limited to a written description of material or services available on the premises;

(b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;

(c) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed materials available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises. (as added by Ord. #336, April 2009)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic control signs, etc.
- 15-109. General requirements for traffic control signs, etc.
- 15-110. Unauthorized traffic control signs, etc.
- 15-111. Presumption with respect to traffic control signs, etc.

¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

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

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. (1983 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. (1983 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1983 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1983 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the municipality 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. (1983 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1983 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1983 Code, § 9-112)

15-108. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1983 Code, § 9-113)

15-109. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and

¹Municipal code reference

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

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

location throughout the town. This section shall not be construed as being mandatory but is merely directive. (1983 Code, § 9-114)

15-110. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1983 Code, § 9-115)

15-111. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper town authority. All presently installed traffic control signs, signals, markings and devices are hereby expressly authorized, ratified, approved, and made official. (1983 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1983 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1983 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1983 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1983 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1983 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1983 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1983 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1983 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and

unobstructed to enable him to make the movement in safety. (1983 Code, § 9-126)

15-121. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1983 Code, § 9-127)

15-122. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1983 Code, § 9-119)

15-123. Speed breakers. It shall be unlawful for any person to damage, remove any portion of, or do any act which injures or reduces the effectiveness of any speed breakers constructed on the streets of the town. A speed breaker as herein referred to shall be defined as a raised portion of paving material such as asphalt or concrete crossing the street its full width, approximately perpendicular to the center line of the street, with a surface that will not damage the tires of vehicles crossing one at reasonable speeds, but is of sufficient height to impart a distinct bump or shock to a motor vehicle traveling across one at excessive speed. (1983 Code, § 9-128)

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. (1983 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) 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.

(2) 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.

(3) 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.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1983 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1983 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1983 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1983 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1983 Code, § 9-202)

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

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 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. (1983 Code, § 9-203)

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. (1983 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1983 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1983 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1983 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1983 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1983 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, sec. 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.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1983 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1983 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1983 Code, § 9-403)

¹Municipal 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. (1983 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1983 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1983 Code, § 9-406)

15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1983 Code, § 9-407)

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if 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 section 15-504 of this code. (1983 Code, § 9-408)

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 town, 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. (1983 Code, § 9-409)

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,¹ except in an emergency. (1983 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.
- 15-607. Truck weight restrictions on parking.

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

Except as hereinafter provided, every vehicle parked upon a street within this municipality 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 municipality 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 licensed vehicle parked on any public street or alley for more than twenty-four (24) consecutive hours without the prior approval of the chief of police, and no person shall at any time park, leave or store an unlicensed motor vehicle upon any public street or alley.

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. (1983 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1983 Code, § 9-503)

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. (1983 Code, § 9-504)

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

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen (15) feet thereof;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Alongside any curb painted yellow or red by the municipality;
- (7) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (8) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (9) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (10) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (11) Upon any bridge. (1983 Code, § 9-505)

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 municipality as a loading and unloading zone. (1983 Code, § 9-506)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1983 Code, § 9-513)

15-607. Truck weight restrictions on parking. It shall be unlawful for any person to park or leave standing any trucks, tractor, wrecker or other commercial vehicle with a rated capacity in excess of one-half (1/2) ton on the town square in the Town of Jasper, Tennessee, except for the purpose of loading or unloading the same. (1983 Code, § 9-502)

CHAPTER 7

ENFORCEMENT¹

SECTION

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

15-701. Issuance of traffic citations.² 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. (1983 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1983 Code, § 9-602)

¹Section 5 of the adopting ordinance to this municipal code sets the maximum penalty at \$500 for ordinance violations, as authorized by 1993 Tenn. Pub. Acts, ch. 393. However, the 1993 Act also provides that the \$500 maximum shall not apply to moving traffic violations. Therefore, violations of this title shall be punishable by a maximum penalty of \$50 for each offense, except for handicapped parking violations. Parking in a handicapped parking space shall be punishable by a penalty of \$100 as provided by Tennessee Code Annotated, § 55-21-108.

²Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

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

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 at a place and time specified in the citation.

For parking violations the offender may waive his right to a judicial hearing and have the charges disposed of out of court by paying a fine of ten (\$10.00) dollars, within forty-eight (48) hours. (1983 Code, § 9-603, as replaced by Ord. #244, April 1999)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1983 Code, § 9-604)

15-705. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles," as defined in Tennessee Code Annotated, 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated 55-16-103 through 55-16-109. (1983 Code, § 9-605)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. RIGHTS AND OBLIGATIONS OF TELEPHONE COMPANY IN USE OF STREETS.

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. Posting signs on public property and at intersections.
- 16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-106. Littering streets, alleys, or sidewalks prohibited.
- 16-107. Drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks and walking trails.
- 16-112. 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. (1983 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1983 Code, § 12-102)

¹Municipal code reference
Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1983 Code, § 12-103)

16-104. Posting signs on public property and at intersections. It shall be unlawful for any person, firm, or corporation to:

(1) Paint, print, place, post, tack, affix or erect or cause to be painted, printed, placed, posted, tacked, affixed or erected any advertising sign within or extending over the limits of the right-of-way of any public street or highway within the corporate limits of the Town of Jasper, Tennessee, and if and when such signs of any nature are placed within or extending over such rights-of-ways, it shall be the duty of the person, firm, corporation, partnership or association owning said signs or products advertised, to remove such signs therefrom, and/or the Town of Jasper may at its election cause such signs to be removed at the expense of the person, firm, corporation, partnership or association responsible therefor; provided, that this section shall not apply to any official signs advertising the names of streets or highways, or for the purpose of guiding traffic or calling attention to traffic hazards, when such signs are erected by the town or other authorized governmental agency.

(2) Erect or maintain or cause to be erected or maintained at or near any main crossing or intersection of the public street or highways, or any railroad crossing, or sharp curve therein, within the corporate limits of the Town of Jasper, Tennessee, any outdoor advertising sign, structure or device in such a manner as to interfere with the free and unobstructed view of traffic on said public streets and highways. (1983 Code, § 12-104)

16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1983 Code, § 12-105)

16-106. 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. (1983 Code, § 12-106)

16-107. Drainage ditches. (1) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way.

(2) For the construction, reconstruction, modification or repair of any driveway which crosses a drainage ditch in any right-of-way of the Town of

Jasper, the town's street superintendent shall approve the driveway culvert for size, location and material prior to installation. Upon proper installation in accordance with the street superintendent's approval, the street superintendent will issue a written authorization to the property owner and/or his/her contractor. (1983 Code, § 12-107, as amended by Ord. #288, Dec. 2003)

16-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1983 Code, § 12-108)

16-109. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1983 Code, § 12-109)

16-110. 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 also 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. (1983 Code, § 12-110)

16-111. Animals and vehicles on sidewalks and walking trails. It shall be unlawful for any person to ride, or tie any animal, or ride, push, pull, or place any vehicle, motorized or otherwise, including golf carts, automobiles, four-wheelers, and similar type instrumentalities across or upon any sidewalk or walking trail within the Town of Jasper. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. It is specifically understood that this section does not prohibit the use of wheelchairs or service animals as contemplated by the Americans with Disabilities Act; nor does it prohibit a person from walking on a sidewalk or walking trail with a dog maintained on a leash. (1983 Code, § 12-111, as replaced by Ord. #318, Aug. 2007)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1983 Code, § 12-112)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1983 Code, § 12-202)

16-203. Fee. The fee for such permits shall be one hundred (\$100.00) dollars. (1983 Code, § 12-203, as replaced by Ord. #278, Feb. 2002)

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 one hundred (\$100.00) dollars, if no pavement is involved or five hundred (\$500.00) dollars if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the deposit to an amount considered by him/her to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. The recorder or his/her designee may, in his discretion waive the requirement for a bond or deposit. (1983 Code, § 12-204, as replaced by Ord. #278, Feb. 2002)

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. (1983 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality 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 municipality, 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. (1983 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder 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. (1983 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1983 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality 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. (1983 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in

width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend into the street. (1983 Code, § 12-210)

CHAPTER 3

RIGHTS AND OBLIGATIONS OF TELEPHONE COMPANY IN USE OF
STREETS

SECTION

- 16-301. Right of South Central Bell Telephone Company to construct, maintain and operate telephone and telegraph lines.
- 16-302. Exercise of right subject to town supervision.
- 16-303. Obligation of South Central Bell Telephone Company to town.
- 16-304. Indemnification.
- 16-305. Rights granted by town not a surrender of other rights and powers.

16-301. Right of South Central Bell Telephone Company to construct, maintain and operate telephone and telegraph lines. Permission is hereby granted to the South Central Bell Telephone Company, its successors and assigns, to construct, maintain, and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets and highways of the Town of Jasper, Tennessee as its business may from time to time require, provided that all poles shall be neat and symmetrical. (1983 Code, § 12-301)

16-302. Exercise of right subject to town supervision. The work of erecting poles and constructing underground conduits under this chapter shall be done subject to the supervision of the town, and the company shall replace or properly relay and repair any sidewalk or street that may be displaced by reason of such work, and upon failure of the company to do so, after twenty days' notice in writing shall have been given by the mayor of the town to the company, the town may repair such portion of the sidewalk or street that may have been disturbed by the company, and collect the cost so incurred from the company. (1983 Code, § 12-302)

16-303. Obligation of South Central Bell Telephone Company to town. In consideration of the rights and privileges herein granted, the company, when requested by the town, will designate and provide without cost to the town (1) on each pole owned and used by the company hereunder and during its ownership and use thereof, either (a) space for a fixture for, or (b) space for a crossarm for, wires of the police and fire alarm signalling system of the town, and (2) in each underground conduit owned and used by the company hereunder and during its ownership and use thereof, one duct for the cables of the police and fire alarm and signalling system of the town; provided, however, that no use shall be made by the town of said space on such poles or of said duct which will result in interfering with or impairing the operation or use of the company's property or service, or which will endanger, damage or injure the person or

property of the public or employees of the company or town. (1983 Code, § 12-303)

16-304. Indemnification. The company shall indemnify the town against, and assume all liabilities for, damages which may arise or accrue to the town for any injury to persons or property from the doing of any work herein authorized, or the neglect of the company or any of its employees to comply with any ordinance regulating the use of the streets of the town, and the acceptance by the company of this chapter shall be an agreement by it to pay to the town any sum of money for which the town may become liable from or by reason of such injury. (1983 Code, § 12-304)

16-305. Rights granted by town not a surrender of other rights and powers. Nothing in this chapter shall be construed as a surrender by the town of its right or power to pass ordinances regulating the use of its streets, or as a surrender of its rights and powers to levy any tax or charge against said company which the town is otherwise authorized by law to levy or charge. (1983 Code, § 12-305)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Disposition in public places prohibited.
- 17-103. Premises to be kept clean.
- 17-104. Storage.
- 17-105. Location of containers.
- 17-106. Disturbing containers.
- 17-107. Collection.
- 17-108. Collection vehicles.
- 17-109. Disposal.
- 17-110. Refuse collection fee.
- 17-111. Commercial users.
- 17-112. Dwelling unit garbage collection by others than municipality prohibited.
- 17-113. Permit required for non-dwelling unit service.
- 17-114. Permit revocation.
- 17-115. Violations.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1983 Code, § 8-201)

17-102. Disposition in public places prohibited. No person shall throw, dump or discard any garbage, paper, cans, bottles, trash or waste of any kind on any of the streets, alleys, right-of-ways or other public places in the Town of Jasper. (1983 Code, § 8-202)

17-103. Premises to be kept clean. No owner or operator of any business in the Town of Jasper, Tennessee, shall permit garbage, paper, paper plates, bottles, cans, trash or waste of any kind to accumulate on the premises of such business or the right-of-ways or streets adjacent thereto, and it shall be the duty of all owners and operators of businesses to regularly have the grounds of said

businesses policed and all such accumulations picked up so that there will be no flies and other insects and/or rodents attracted to the premises and to prevent washing or blowing of said materials onto the property of others or public ways in the town. (1983 Code, § 8-203)

17-104. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1983 Code, § 8-204)

17-105. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the municipality for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1983 Code, § 8-205)

17-106. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1983 Code, § 8-206)

17-107. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1983 Code, § 8-207)

17-108. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1983 Code, § 8-208)

17-109. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the governing body is expressly prohibited. (1983 Code, § 8-209)

17-110. Refuse collection fee. There is hereby levied on each and every occupied dwelling unit within the town a garbage collection fee of fifteen dollars (\$15.00) per month. A dwelling unit is a building or portion thereof providing living quarters for one (1) family.

The garbage collection fee shall be billed and collected with the water bill of all customers within the town who are connected to the town water system. Those dwelling units not connected to the town water system shall be billed separately. The garbage collection fee shall be due and payable on the same schedule as the water bill regardless of the billing system used.¹

The garbage collection fee shall be mandatory as to each occupied dwelling unit within the corporate limits that is accessible to the town's water system. Accessible means that the real estate upon which the occupied dwelling unit is located abuts one of the town's water lines. (Ord. #181, Sept. 1991, as amended by Ord. #192, Sept. 1992, Ord. #233, § 1, Sept. 1997, and Ord. #343, Sept. 2011)

17-111. Commercial users. Any commercial business now having its refuse collected by the Town of Jasper as a residential unit will be charged the fee assessed in section 17-110. If the commercial business has garbage in such a quantity and type that exceeds that of the average dwelling unit, then the Town of Jasper shall have no responsibility to collect said garbage or to dispose of same, and the commercial user shall be required to make other satisfactory arrangements with garbage collection services. (Ord. # 181, Sept. 1991)

17-112. Dwelling unit garbage collection by others than municipality prohibited. It shall be unlawful for any person or entity to engage in the business of, or offer the services of garbage or refuse collection from dwelling units within the corporate limits of the town. This service shall be provided only

¹Municipal code reference
Water and sewers: title 18.

by the municipality for the fee established by ordinance. (Ord. # 181, Sept. 1991)

17-113. Permit required for non-dwelling unit service. (1) It shall be unlawful for any person or entity to engage in the business of, or offer the services of garbage or refuse disposal for non-dwelling unit premises without having first obtained a permit from the town recorder for operation of said service. This is intended to apply to services provided for commercial operations and other than normal dwelling unit pickup.

(2) Permits shall be issued when the following requirements are met:

(a) A certificate of any underwriter that the applicant has in force a policy, or policies of insurance issued by an insurance company authorized to transact business within the State of Tennessee carrying general liability coverage for the operation of equipment or vehicles for bodily injuries in the minimum amount of \$150,000.00 per person and \$350,000.00 per accident, and \$50,000.00 for all damage arising from injury to or destruction of property. Such certificate of insurance must also contain an endorsement providing for a minimum of ten days notice to the town in the event of any cancellation of the policy.

(b) A contract, agreement, or other indicia of regular disposal of refuse at a governmentally approved or operated waste disposal site.

(c) Payment of the annual permit fee of \$25.00 is hereby instituted as of January 1, 1992.

(3) In the event the Town of Jasper should contract with independent services for dwelling unit collection, then said collection service shall not be required to obtain any such permit. (Ord. # 181, Sept. 1991)

17-114. Permit revocation. The mayor may revoke the permit of any permittee under section 17-113 if:

(1) The permit was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant which was not disclosed at the time of making the application that would have constituted just cause for refusing to issue such permit.

(2) The permittee violates any provision of this chapter. (Ord. # 181, Sept. 1991)

17-115. Violations. It shall be unlawful to wilfully fail to pay the fee assessed by section 17-110 of this chapter or any amendments thereto, after the date said fee is delinquent, or to violate any other provision of this chapter. Violations may be prosecuted in town court as any other misdemeanor. (Ord. # 181, Sept. 1991)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SEWER USE AND WASTEWATER TREATMENT.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Board of waterworks and sewer commissioners.
- 18-102. Application and scope.
- 18-103. Definitions.
- 18-104. Obtaining service.
- 18-105. Application and contract for service.
- 18-106. Deposit.
- 18-107. Service charges for temporary service.
- 18-108. Establishment of water and sewer service areas and service connection (tap) fees and system capacity charges in those areas.
- 18-109. Water and sewer main extensions.
- 18-110. Variances from and effect of preceding section as to extensions.
- 18-111. Meters.
- 18-112. Meter tests.
- 18-113. Schedule of rates.
- 18-114. Multiple services through a single meter.
- 18-115. Billing.
- 18-116. Termination or refusal of service by municipality.
- 18-117. Re-connection charge.
- 18-118. Termination of service by customer.
- 18-119. Access to customers' premises.
- 18-120. Inspections.
- 18-121. Customer's responsibility for system's property.
- 18-122. Customer's responsibility for violations.
- 18-123. Supply and resale of water.
- 18-124. Unauthorized use of or interference with water supply.
- 18-125. Limited use of unmetered private fire line.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-126. Damages to property due to water pressure.
- 18-127. Liability for cutoff failures.
- 18-128. Restricted use of water.
- 18-129. Interruption of service.
- 18-130. Fire protection services.
- 18-131. Water fluoridation.
- 18-132. Application of sewer revenues.
- 18-133. Fire hydrant color scheme.

18-101. Board of waterworks and sewer commissioners. Pursuant to the provisions of Tennessee Code Annotated 7-35-406, the board of mayor and aldermen elect to perform the duties required by the board of waterworks and sewerage commissioners and to possess all powers, duties and responsibilities relevant thereto until such time as it appoints a separate board pursuant to statute. (1983 Code, § 13-101)

18-102. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1983 Code, § 13-102)

18-103. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the municipality 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 or sewer main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box.

(4) "Due date" shall mean the 15th of the month after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water and/or sewer 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.

(7) "Board" means the board of waterworks and sewerage commissioners of the Town of Jasper. (1983 Code, § 13-103)

18-104. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before

connection or meter installation orders will be issued and work performed. (1983 Code, § 13-104)

18-105. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1983 Code, § 13-105)

18-106. Deposit. The customer shall deposit with the town such reasonable sums of money as may be required by the town as continuing security for the performance of the obligations contracted for by the customer, and a failure to make such deposit will give the town the right to declare the contract forfeited and to refuse or to discontinue service. The following amounts of deposit shall in all instances be required:

	<u>Property Owner</u>	
<u>Meter Size</u> <u>(inches)</u>		<u>Deposit</u>
5/8		\$ 50.00
1		\$100.00
1½		\$150.00
2		\$200.00
	<u>Tenant Occupied</u>	
5/8		\$100.00
1		\$200.00
1½		\$300.00
2		\$400.00

The town may, if deemed necessary, require a customer to make additional deposits as security for customer performance. Upon termination of the service, the deposit may be applied by the town against any obligations of the customer to the town. Any part of the deposit which is not so applied will be refunded to the customer upon demand. (Ord. # 176, June 1990)

18-107. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1983 Code, § 13-107)

18-108. Establishment of water and sewer service areas and service connection (tap) fees and system capacity charges in those areas.

(1) Water. (a) Establishment of water service areas. The Town of Jasper currently provides water service to all areas within the corporate limits of the Town of Jasper, and to several areas in Marion County outside the corporate limits. It costs more to provide water services to certain areas than to others. The following water service areas are hereby established:

(i) Jasper Water Service Area. This area includes all property within the corporate limits of the Town of Jasper as of January 1, 2007;

(ii) Highway 41/Shellmound Water Service Area. This area includes all property not located within the corporate limits of the Town of Jasper as of January 1, 2007, and which is located east of the Sequatchie River, south of East Valley Road, and west of the Tennessee River;

(iii) East Nickajack Water Service Area. This area includes all property located east of the Tennessee River;

(iv) Sequatchie, East Valley Road, and misc. water service area. This area includes all properties located outside the corporate limits of the Town of Jasper and not included within the above three (3) described water service areas.

(b) Water service connection fee and system capacity charge. Before connecting with the Town of Jasper's water system, the applicant (proposed customer) shall pay a service connection fee and a system capacity charge for the water service areas indicated in the following amounts:

	Service Connection Fee Connection by town	Service Connection Fee Connection by others	System Capacity Charge
Jasper Water Service Area			
5/8" meter	\$350.00	\$150.00	\$1,200.00 ¹
5/8" meter (radio)	\$650.00	\$350.00	\$1,200.00
Highway 41/Shellmound			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00
East Nickajack Water			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00
Sequatchie, East Valley Road, and miscellaneous water service area			
5/8" meter	\$400.00	\$200.00	\$1,200.00
5/8" meter (radio)	\$700.00	\$400.00	\$1,200.00

¹The system capacity charge shall be five hundred dollars (\$500.00) for customers within all water service areas who connect service directly to a public water line which was in service before January 1, 2005, or who connect to a public water line extension constructed by others at no cost to the Town of Jasper where said water line, in turn, connects directly to a public water line which was in service before January 1, 2005. However, this provision shall not apply where the Town of Jasper must make capital improvements to the town's existing water transmission or distribution system in order to provide adequate service to the new customer(s). The system capacity charge for customers in all service areas who connect service directly to a public water line which was placed in service on or after January 1, 2005, or who connect to a public water line extension where said water line, in turn, connects directly to a public water line which was not in service before January 1, 2005, shall be one thousand two hundred dollars (\$1,200.00).

As used herein, a public water line is considered to be "in service" if it has been tested, inspected, and accepted by the Town of Jasper and is available to provide service to customers who connect to it.

A public water line, which was in service before January 1, 2005, is still considered to be in service before that date, even if it is subsequently replaced with a new line, provided that the replacement line is of the same size as the original line.

In addition to the above, the actual cost to the Town of Jasper for road cut or bore, or rock trenching that may be required for a service connection shall be paid by the applicant/customer.

The water service connection fee, system capacity charge, and any additional cost for road cut, bore or rock trenching shall be paid to the Town of Jasper at the time the service is requested by the applicant.

In new subdivisions, the contractor may be allowed by the water and sewer board to install the service lines, but if so allowed, it shall be in accordance with town's policies and regulations, and the connection fee and system capacity charge shall be paid as set forth above.

When a service line is completed and accepted, the town 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 municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

(2) Sewer. (a) Establishment of sewer service areas. The Town of Jasper currently provides sewer service to the downtown area, Industrial Boulevard, and to most residential developments within the corporate limits. The town provides some sewer services outside the corporate limits, which are currently limited to Industrial Boulevard, and to the Highway 28, Whitwell/Crossroads area, and it is anticipated that sewer services will be extended along Highway 41 to Hancock Road and to the Shellmound area of Marion County. It costs more to provide such services to residents and businesses located a further distance from the wastewater treatment plant. The following sewer service areas are hereby established:

(i) Jasper Sewer Service Area. This area includes all property within the corporate limits of the Town of Jasper as of January 1, 2007, and those businesses located on Industrial Boulevard as of January 1, 2007, which are in close proximity to the Town of Jasper's wastewater treatment plant;

(ii) Whitwell/Crossroads Sewer Service Area. This area includes all property located outside the corporate limits of the Town of Jasper as of January 1, 2007, and located along State Highway 28, connecting with the City of Whitwell and the Town of Powells Crossroads;

(iii) Highway 41/Shellmound Sewer Service Area. This area includes all property located east of the Sequatchie River, south of the East Valley Road, and west of the Tennessee River.

(b) Sewer service connection fee and system capacity charge. Before connecting with the Town of Jasper's sewer system, the applicant (proposed customer) shall pay a service connection fee and a system capacity charge for the sewer service areas indicated in the following amounts:

	Service Connection Fee Connection by town	Service Connection Fee Connection by others	System Capacity Charge
Jasper Sewer Service Area			
4" gravity service line	\$400.00	\$ 50.00	\$1,600.00 ¹
1 1/2" pressure service line	\$350.00	\$ 50.00	\$1,600.00
Whitwell/Crossroads Sewer Service Area			
4" gravity service line	\$450.00	\$100.00	\$1,600.00
1 1/2" pressure service line	\$400.00	\$100.00	\$1,600.00
Highway 41/Shellmound Sewer Service Area			
4" gravity service line	\$450.00	\$100.00	\$1,600.00
1 1/2" pressure service line	\$400.00	\$100.00	\$1,600.00

¹The system capacity charge shall be five hundred dollars (\$500.00) for customers within all water service areas who connect service directly to a public water line which was in service before January 1, 2005, or who connect to a public water line extension constructed by others at no cost to the Town of Jasper where said water line, in turn, connects directly to a public water line which was in service before January 1, 2005. However, this provision shall not apply where the Town of Jasper must make capital improvements to the town's existing water transmission or distribution system in order to provide adequate service to the new customer(s). The system capacity charge for customers in all service areas who connect service directly to a public water line which was placed in service on or after January 1, 2005, or who connect to a public water line extension where said water line, in turn, connects directly to a public water line which was not in service before January 1, 2005, shall be one thousand two hundred dollars (\$1,200.00).

As used herein, a public water line is considered to be "in service" if it has been tested, inspected, and accepted by the Town of Jasper and is available to provide service to customers who connect to it.

A public water line, which was in service before January 1, 2005, is still considered to be in service before that date, even if it is subsequently replaced with a new line, provided that the replacement line is of the same size as the original line.

In addition to the above, the actual cost to the Town of Jasper for road cut or bore, or rock trenching that may be required for a service connection, shall be paid by the applicant/customer.

The sewer service connection fee, system capacity charge, and any additional cost for road cut, bore or rock trenching shall be paid to the Town of Jasper at the time the service is requested by the applicant.

In new subdivisions, the contractor may be allowed by the water and sewer board to install the service lines, but if so allowed, it shall be in accordance with town's policies and regulations, and the connection fee and system capacity charge shall be paid as set forth above.

For gravity sewers, when a service line is completed and accepted, the town shall be responsible for the maintenance and upkeep of such service line from the gravity main to the customer's property line. The remaining portion of the service line from the property line shall belong to and be the responsibility of the customer.

For pressure sewer systems, when the pump and service line are completed and accepted, the town shall be responsible for upkeep of the pump and service line from the pump to the pressure main in accordance with the town's polices and regulations.

(3) The Town of Jasper shall make appropriate refunds to all water and sewer customers who have connected service directly to public water lines and public sewer lines that were in existence before January 1, 2005, or who have connected service to a water or sewer line extension constructed by others at no cost to the Town of Jasper where said water or sewer line, in turn, connects directly to a public water or sewer line which was in service before January 1, 2005, to the extent said customers have paid a capacity charge in excess of five hundred dollars (\$500.00).

(4) The total capacity charge for customers within all water and sewer service areas who apply to connect service directly to a public sewer and/or water line for a multi-unit residential establishment, a commercial or institutional establishment, or an industrial facility, shall be calculated by multiplying the applicable capacity charge as provided herein times the estimated daily flow expressed in terms of the number of equivalent residential units (using one hundred fifty (150) gallons of water per day per equivalent residential unit). When estimated flows exceed ten equivalent residential units, the number of equivalent residential units for the purposes of the total capacity charges will be adjusted according to the following table:

Number of Equivalent Residential Units Based on Estimated Flow	Number of Equivalent Residential Units for Total Capacity Charge
10	10
20	15
30	18
40	21
50	24
70	29
100	35
150	44
200	51

(1983 Code, § 13-108, as amended by Ord. # 176, June 1990, and Ord. #279, April 2002, replaced by Ord. #317, July 2007, and amended by Ord. #330, Dec. 2008)

18-109. Water and sewer main extensions. Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions ductile iron pipe, class 50 American Water Works Association Standard (or other construction approved by the board of mayor and aldermen), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the governing body) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the board of mayor and aldermen shall be used.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the municipality, such water and/or sewer mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such

mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1983 Code, § 13-109)

18-110. Variances from and effect of preceding section as to extensions. Whenever the governing body is of the opinion that it is to the best interest of the municipality and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the governing body.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the municipality to make such extensions or to furnish service to any person or persons. (1983 Code, § 13-110)

18-111. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1983 Code, § 13-111)

18-112. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8"	2%
1"	2%
1/2" and 2"	4%
Over 2"	5%

The town will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8"	\$ 10.00
1	20.00
1/2" and 2"	30.00
Over 2"	Actual cost or \$30 whichever is greater

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1983 Code, § 13-112)

18-113. Schedule of rates. (1) Water. All water furnished by the Town of Jasper shall be measured or estimated in gallons to the nearest multiple of one hundred (100), and shall be furnished under the following rate schedule in the water service areas as indicated:¹

	Monthly Charges	
	<u>Inside Town Limits</u>	<u>Outside Town Limits</u>
Jasper Water Service Area		
0 - 2,000 gallons (minimum bill)	\$5.60	\$11.00
Over 2,000 gallons	\$2.50 per 1,000 gal.	\$3.75 per 1,000 gal.
Highway 41/Shellmound Water Service Area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.
East Nickajack Water Service Area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.
Sequatchie/East Valley Road and miscellaneous water service area		
0 - 2,000 gallons (minimum bill)	\$11.00	\$11.00
Over 2,000 gallons	\$4.00 per 1,000 gal.	\$4.00 per 1,000 gal.

¹The water service areas provided water service by the Town of Jasper are established in Jasper Municipal Code § 18-108(1)(a).

A service line maintenance fee of four dollars (\$4.00) per month per meter shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof and added onto the system as a result of the "Sequatchie Water Project." This shall be in addition to the applicable schedule of rates charged for water supplied to those living outside the corporate limits.

Beginning July 1, 2006, a service line maintenance fee of five dollars (\$5.00) per month per meter shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof and located on the east side of the Tennessee River. This shall be in addition to the applicable schedule of rates for water supplied to those living outside the corporate limits.

A service line maintenance fee of three dollars (\$3.00) per month per meter shall remain in effect and shall be added to the monthly bill of all customers receiving water from the Town of Jasper, Tennessee, outside the town limits thereof, but not connected to the supply lines resulting from the "Sequatchie Water Project" or located on the east side of the Tennessee River. This also shall be in addition to the applicable water rates charged those customers.

(2) Sewer.

(a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the user's contribution of wastewater loads; each class user being identified as follows:

(1) Class I. Those users whose biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(2) Class II. Those users whose biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. In establishing these rates and charges, the board of mayor and aldermen shall give consideration to the cost categories of administration costs, including, but not limited to, billing and accounting costs; operation and maintenance costs; and debt service costs.

(1) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of wastewater discharged (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where:

C_i = The Class I total unit cost in \$/1,000 gallons.
 $T.S.C.$ = The total operation and maintenance, administration, and debt service determined by yearly budget projections.
 V_t = The total volume of wastewater contribution from all users per year as determined from projections from one town fiscal year to the next.

It is understood, however, that adjustments shall be made in the sewer rate established for users who are located outside of the corporate limits. Extension of the sewer line outside of the corporate limits results in additional capital and maintenance costs to the town and other considerations must be given in establishing said rate.

(2) All users who fall within the Class II classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(3) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e., filling swimming pools, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(4) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in subsection (3), above, thus being classified in Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_{u+} B_c B_u + S_c S_u$$

Where:

C_u	=	Total user charge per unit of time.
V_c	=	Total cost for transportation and treatment of a unit of wastewater volume.
V_u	=	Volume contribution per unit of time.
B_c	=	Total cost for treatment of a unit of Biochemical Oxygen Demand (BOD).
B_u	=	Total BOD contribution from a user per unit of time.
S_c	=	Total cost of treatment of a unit of suspended solids.
S_u	=	Total suspended solids contribution from a user per unit of time.

(5) If it is determined by the town that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

(c) Differentiation between sewer user rates charged to Class I users and Class II users. Sewer connection (tap) fees and system capacity charges are established in Jasper Municipal Code § 18-108, and sewer user charges for Class I users and permit application fees are established in Jasper Municipal Code § 18-213. Users falling within Class II as defined in Jasper Municipal Code § 18-113(2)(a) shall pay the base unit charge per one thousand (1,000) gallons of water purchased as established in Jasper Municipal Code § 18-213(2), and in addition, shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities as set forth in title 18, chapter 2 of this code. In all cases in which users of said sewage system and those required by § 18-204 of this code to connect to the sewage system are not supplied with water from the municipal water works system, the monthly minimum charge as set forth in Jasper Municipal Code § 18-213 shall apply as to each one thousand (1,000) gallons of water utilized and/or wastewater discharged during the billing period.

(d) Water and sewer systems to be self-supporting. The rates contained in this section shall be effective until changed by the board of mayor and aldermen, which pursuant to Tennessee Code Annotated, section 7-35-414 shall have the power and duty to adjust the water and sewer rates to provide sufficient funds to pay all reasonable cost expenses of operation, repair and maintenance, provide for a sinking fund for

payment of principal and interest of bonds when due, and maintain an adequate depreciation account.

(e) Other charges and fees. The town may adopt other charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program;
- (2) Fees for monitoring, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards;
- (7) Other fees as the town 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 town. (1983 Code, § 13-113, as amended by Ord. # 147, Feb. 1986; Ord. # 187, May 1992; Ord. #210, §§ 1 and 2, Aug. 1994; Ord. #213, § 1, Aug. 1995; Ord. #214, § 1, Aug. 1995; Ord. #279, April 2002; Ord. #281, Nov. 2002; Ord. #303, March 2006; and Ord. #317, July 2007)

18-114. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1983 Code, § 13-114)

18-115. Billing. Bills for all water and sewer service will be rendered monthly.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving

at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise a ten (10) percent penalty shall apply. Failure to receive a bill will not release a customer from payment obligation, or extend the due date.

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 municipality 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 municipality reserves the right to render an estimated bill based on the best information available. (1983 Code, § 13-115)

18-116. Termination or refusal of service by municipality. The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality 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. (1983 Code, § 13-116)

18-117. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the municipality before service is restored. (1983 Code, § 13-117, as amended by Ord. # 176, June 1990)

18-118. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality 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 municipality 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 municipality 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 such ten (10) day period.

(2) During such 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 municipality 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.

If a customer relocates to another dwelling or premise where there is already a service line and meter box, a reconnection charge of ten dollars (\$10.00) shall be collected by the municipality, when the meter is installed. (1983 Code, § 13-118)

18-119. Access to customers' premises. The municipality'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 municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1983 Code, § 13-119)

18-120. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1983 Code, § 13-120)

18-121. 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 municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1983 Code, § 13-121)

18-122. Customer's responsibility for violations. Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1983 Code, § 13-122)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, 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 municipality. (1983 Code, § 13-123)

18-124. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1983 Code, § 13-124)

18-125. 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 municipality.

All private fire hydrants shall be sealed by the municipality, 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 municipality a written notice of such occurrence. (1983 Code, § 13-125)

18-126. Damages to property due to water pressure. The municipality 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 municipality's water mains. (1983 Code, § 13-126)

18-127. Liability for cutoff failures. The municipality'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 a water service, the municipality has failed to cut off such service.
- (2) The municipality has attempted to cut off a service but such service has not been completely cut off.
- (3) The municipality 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 municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1983 Code, § 13-127)

18-128. Restricted use of water. (1) In times of emergencies or in times of water shortage, the municipality 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.

(2) No water furnished by the town shall be wasted during water shortage emergency periods. Waste of water includes, but is not necessarily limited to the following:

- (a) Permitting water to escape down a gutter, ditch, or other surface drain;
- (b) Failure to repair a controllable leak of water; and
- (c) Failure to put a reasonable beneficial use any water withdrawn from the town's system.

(3) The water and sewer superintendent (hereinafter referred to as superintendent) or his designee is hereby authorized to declare water shortage emergency to exist in accordance with the standards set out in section 4 hereof. The declarer must immediately attempt to contact all board of waterworks and sewer commissioners (hereinafter referred to as commissioners) to inform them of the emergency action. An end to a water shortage emergency must be declared by the board of commissioners.

(4) In declaring a water shortage emergency, such emergency shall be designated status 1 or status 2 in accordance with conditions as determined by the superintendent.

Water shortage emergency status 1 exists when the water level in a major distribution system reservoir cannot be brought above the two-third (2/3) full mark in a forty-eight (48) hour period.

When the water supply reaches water shortage emergency status 1, the superintendent or his designee may declare any or all of the uses of water

identified as non-essential use category 1 provided for in this chapter as being prohibited and said prohibition shall remain in full force and effect until modified by the commissioners. The list of the non-essential uses may be increased or decreased pending the next meeting of the commissioners.

Water shortage emergency status 2 exists when the water level in a major distribution system reservoir cannot be brought above the one-quarter (1/4) full mark within a forty-eight (48) hour period.

If water shortage emergency status 2 is reached, the superintendent or his designee may declare any or all of the non-essential uses provided for in this chapter as being prohibited and the same shall remain in full force and effect until modified by the commissioners. The commissioners may increase or decrease the number of prohibited non-essential uses based on recommendations of the superintendent.

(5) Non-essential uses during water shortage emergency.

(a) Non-essential uses category 1. - The following uses are declared to be NON-ESSENTIAL USES, CATEGORY 1:

(1) Any non-residential use in excess of seventy percent (70%) of the amount used during the corresponding billing period for the previous year.

(2) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the town for the public safety.

(3) Filling or re-filling a swimming pool.

(4) Non-commercial washing of privately owned motor vehicles, trailers or boats.

(5) Watering of lawns, flower gardens, and ball fields.

(6) Watering any portion of a golf course.

(7) Use of water for dust control or compaction during construction.

(b) Non-essential use category 2. - The following uses are declared to be NON-ESSENTIAL USES, CATEGORY 2, in addition to those listed for category 1:

(1) Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case item (3) below will apply.

(2) Use by a motor vehicle washing facility.

(3) Any non-residential use in excess of fifty percent (50%) of the amount used by the customer during the corresponding billing period for the previous year, an estimated amount shall be computed by the town from its records. The superintendent or his designee may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety and welfare or to spread equitably among the water users of the town the burden imposed by the shortage in the town's water supply.

(4) Water served for drinking purposes at restaurants or other public or non-public eating establishments unless such water is specifically requested by the patron or customer.

(6) Board of waterworks and sewer commissioners action. (a) The commissioners may declare a water shortage emergency irrespective of whether the water supply has reached water shortage emergency status 1 or 2, and designate prohibited usages.

(b) Only the commissioners may terminate or end a water shortage emergency declared by the commissioners.

(c) Any water shortage emergency described by the commissioners shall continue until the next meeting of the commissioners. If the board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The commissioners may terminate or modify any limitations on non-essential use of water.

(7) Notice. Upon the declaration of the existence of a water shortage emergency by the superintendent or his designee, the superintendent shall notify the local media and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

(8) Customer non-compliance. (a) Any failure of a customer to comply with the requirements of a declared water shortage emergency may be reported to any official of the town and shall be immediately investigated by the superintendent or his designated agent. If non-compliance is found to exist, he shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the request, the superintendent shall immediately discontinue water service to the customer in question.

(b) Any customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first disconnection, to have service reinstated upon payment to the town of its customary reconnection charge and upon execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to reinstatement of service only after approval of the commissioners and subject to such terms and conditions as the commissioners shall impose.

(c) The decision of the superintendent may be appealed for a hearing to the commissioners. The disconnection shall remain in effect

until the appeal is heard. A hearing shall be conducted within seventy-two (72) hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within seventy-two (72) hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the superintendent. (Ord. # 170, Sept. 1989)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality 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. (1983 Code, § 13-129)

18-130. Fire protection services. (1) Public. At such time as the need may arise, the town may install fire hydrants.

(2) Private. (a) Private fire hydrants and fire lines may be installed with the prior approval of the board, but at the expense of the customer and the construction will be made in accordance with specifications of the town. Such facilities shall be owned and maintained by the customer and the charges for services shall be subject to rates in the schedule of rates.

(b) Facilities installed for providing water for automatic sprinkler systems for fire protection shall be owned and maintained by the customer and charges for water service to such installations shall be in keeping with the charges outlined in the schedule of rates.

Multiple connections for sprinkler service to one structure in service at the time of the effective date of this chapter shall, for billing purposes only, be considered a single connection.

(c) Where private fire lines are not metered, no water will be used from such lines or from any fire hydrant thereon except to fight fire or while being inspected in the presence of an authorized agent of the town, excepting by prior approval of the town and at such charge as they may fix for the use.

All private fire hydrants shall be sealed by the town and may be inspected at regular intervals to see that they are in proper condition, and no water shall be used therefrom in violation of this chapter. When a seal is broken on account of fire or for any other reason, the customer taking such service shall give the town written notice of such occurrence as soon as possible. (1983 Code, § 13-130)

18-131. Water fluoridation. The water department of the Town of Jasper is hereby authorized and instructed to make plans for the fluoridation of the water supply of the Town of Jasper, Tennessee, and to submit such plans to the department of public health of the State of Tennessee for approval, and upon approval to add such chemical as fluoride to the water supply in accordance with such approval as will adequately provide for the fluoridation of said water supply, with the cost of such fluoridation to be borne by the revenues of the water department of the Town of Jasper. (1983 Code, § 13-131)

18-132. Application of sewer revenues. All costs of operation, maintenance, administration, and debt service of the sewer system shall be paid from the revenues to be derived from the sewer system. (1983 Code, § 13-132)

18-133. Fire hydrant color scheme. (1) Fire hydrants in the Town of Jasper, Tennessee, shall henceforth be classified as follows:

Class AA: Hydrants that on individual test usually have a flow capacity of 1,500 gpm (5,680 L/min) or greater.

Class A: Hydrants that on individual test usually have a flow capacity of 1,000 to 1,499 gpm (3,785 to 5,675 L/min).

Class B: Hydrants that on individual test usually have a flow capacity of 500 to 999 gpm (1,900 to 3,780 L/min).

Class C: Hydrants that on individual test usually have a flow capacity of less than 500 gpm (1,900 L/min).

Capacities are to be rated by flow measurements of individual hydrants at a period of ordinary demand. When initial pressures are over 40 psig (275 kPa [gauge]) at the hydrant under test, the rating is to be based on 20 psig (138 kPa [gauge]) residual pressure, observed at the nearest hydrant connected to the same main and when no water is being drawn. When initial pressures are less than 40 psig (275 kPa [gauge]), residual pressures shall be at least half of the initial pressure.

(2) The tops of fire hydrants in Class AA, Class A, and Class B shall be painted gloss white with a band of reflective tape to be placed on the top of the fire hydrant. The band of reflective tape shall be light blue for Class AA, green for Class A, and orange for Class B. The tops of public fire hydrants in Class C are to be painted red. The barrels of the fire hydrants in all classifications shall be painted safety yellow, or in some other color that is readily detectable and is directed by the fire chief.

(3) Private fire hydrants within private enclosures shall be painted at the discretion of the owner. A private fire hydrant in a public street shall be painted in such a manner to distinguish it from a public fire hydrant.

(4) All location markers for flush hydrants should carry the same color background as stated for class indication, with such date stenciled or painted thereon as may be deemed necessary.

(5) Hydrant colors shall signify only the approximate capacity of the individual hydrant, as tested alone, and not its capacity when more than one hydrant in the vicinity is in use. The marking of the hydrant is not to be considered as in any way guaranteeing the capacity indicated by the color. (as added by Ord. #254, Feb. 2000, and amended by Ord. #296, July 2005)

CHAPTER 2

SEWER USE AND WASTEWATER TREATMENT

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Use of public services.
- 18-205. Building sewers, connections and permits.
- 18-206. Private domestic wastewater disposal.
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- 18-213. Wastewater charges and fees.
- 18-214. Administration of sewer system.

18-201. Purpose and policy. The purpose of this chapter is to set uniform requirements for users of the town's wastewater collection system and treatment works to enable the town to comply with the provisions of the Clean Water Act and other applicable federal and state law and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the town's wastewater collection system and treatment works. This section establishes conditions for connection to the sanitary sewer system and requires a permit. Certain acts which may be detrimental to the sewer system are prohibited. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This section establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the POTW, may cause environmental damage, interfere with the use or disposal of sewage sludge; and to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve the opportunities to recycle and reclaim wastewaters and sludges resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. (Ord. #178, Dec. 1991)

18-202. Definitions. For purposes of this chapter, the following phrases and words shall have the meaning assigned below, except in those instances where the content clearly indicates a different meaning:

(1) "Clean Water Act (CWA)," "Act," or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 United States Code (U.S.C.) 1251, et seq.

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a National Pollutant Discharge Elimination System (NPDES) or non-NPDES state without an approved state pretreatment program.

(3) "Approved Publicly Owned Treatment Works (POTW) Pretreatment Program" or "Program" or "POTW Pretreatment Program." A program administered by a publicly owned treatment works that meets the criteria established in Chapter 40 of the Code of Federal Regulations (40 CFR) Section 403.8 and Section 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR Section 403.11.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(5) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

(6) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

(7) "Building inspector" shall mean that person responsible for inspecting all construction in the Town of Jasper to assure compliance with the applicable building codes.

(8) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(9) "Board." Town of Jasper Mayor and Board of Aldermen.

(10) "Bypass." The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(11) "Categorical standards." National pretreatment standards established by the Environmental Protection Agency (EPA) for specific industrial user Standard Industrial Classification (SIC) code categories.

(12) "Centralized Waste Treatment Facility (CWT)." A commercial centralized waste treatment facility (other than a landfill or an incinerator)

which treats or stores aqueous wastes generated by facilities not located on the CWT site and which disposes of these wastes by introducing them to the POTW.

(13) "Combined sewer." A sewer which has been designed to carry both sanitary sewage and storm water runoff.

(14) "Community sewer." Any sewer containing wastewater from more than one premise.

(15) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the town has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(16) "Cooling water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the town or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and polluting material.

(17) "Conventional pollutant." Biochemical oxygen demand (BOD), total suspended solid (TSS), Ph, fecal coliform bacteria, and oil and grease.

(18) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(19) "Discharge monitoring report." A report submitted by an industrial user to the superintendent pursuant to this chapter containing information relating to the nature and concentration of pollutants and flow characteristics of a discharge from the industrial user to the POTW using standard methods approved by the superintendent.

(20) "Environmental Protection Agency (EPA)." An agency of the United States or the administrator or other duly authorized official of said agency.

(21) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the regular type handling storage, and sale of produce.

(22) "Grab sample." A sample taken from a waste stream on a one-time basis with no regard to the flow in the waste steam and without consideration of time.

(23) "Holding tank waste." Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. This specifically includes wastewater from industrial users conveyed to the POTW by any means other than by a standard connection to a sanitary or combined sewer.

(24) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to state waters.

(25) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. For the purposes of this section, an industrial user is a source of non-domestic wastes from industrial processes.

(26) "Infiltration." Water other than wastewater that enters a sewer system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(27) "Inflow." Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, fountain drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm waters, surface runoff, street wash waters, and drainage. Inflow does not include, and is distinguished from, infiltration.

(28) "Interference." Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore, is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (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 (or more stringent state or local regulations), Section 405 of the CWA, 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.

(29) "Marion County Health Department." The agency designated by the Town of Jasper as responsible for supervision and administration of private wastewater disposal systems in Marion County.

(30) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(31) "Maximum concentration." The maximum amount of a specified pollutant in a volume of water or wastewater.

(32) "National pretreatment standard." Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. These terms also include prohibited discharges promulgated in 40 CFR 403.5 and local limits adopted as part of the town's approved pretreatment program.

(33) "New source." (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that one of the following criteria is applicable:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located.

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(iii) The production or wastewater generated 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.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs(a)(ii) or (iii) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has taken one of the following actions:

(i) Begun or caused to begin as part of a continuous on-site construction program:

- Any placement, assembly, or installation of facilities or equipment.
- 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.

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(34) "National Pollutant Discharge Elimination System (NPDES) Permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(35) "Normal wastewater." Effluent which contains constituents and characteristics similar to effluent from a domestic premise, and specifically for the purposes of this section, does not contain BOD₅, COD, or TSS in concentrations in excess of the following:

BOD₅--250 milligrams per liter

TSS--250 milligrams per liter

(36) "Pass-through." A discharge which exits the POTW into waters of the United States in the quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). In the case of a POTW receiving discharges from CWTs as defined above, pass through also means the failure of the CWT and the POTW to reduce pollutant discharges from the POTW to the degree required under Section 301(b)(2) of the CWA if the CWT discharged directly to surface waters.

(37) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(38) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. A Ph value indicates the degree of acidity or alkalinity.

(39) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(40) "Premises." A parcel of real estate or portion thereof, including any improvements thereon which is determined by the superintendent to be a single user for purposes of receiving, using, and paying for services.

(41) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes or by other means, except as prohibited by 40 CFR section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR section 403.6(e).

(42) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(43) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to such a treatment works and any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial waste, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

In some contexts the term also means the Town of Jasper, i.e., a municipality as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges and the discharges from such a treatment works.

(44) "Reclaimed water." Water which, as a result of the treatment of waste, is suitable for direct beneficial or controlled use that would not occur otherwise.

(45) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(46) "Severe property damage." Substantial physical damage to property, damage to treatment facilities rendering them inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(47) "Sewage" (also called "wastewater") 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.

(48) "Sewer" shall mean a pipe or conduit for carrying sewage.

(49) "Shall" is mandatory; "May" is permissive.

(50) "Significant industrial user. (a) All dischargers subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N.

(b) All non-categorical dischargers that contribute a process wastestream which makes up 5 percent or more of the average dry weather capacity of the POTW treatment plant, or more than an average of 25,000 gallons per day of process wastewater to the POTW.

(c) All non-categorical dischargers that, in the opinion of the superintendent, have a reasonable potential to adversely affect the POTW's operation. This shall include but shall not be limited to all centralized waste treatment discharges, all tank and drum cleaning facilities, and all paint manufacturing facilities.

(51) "Standard Industrial Classification." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(52) "Storm sewer or storm drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(53) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(54) "Superintendent." The person designated by the town to supervise operation of the POTW and the interceptor sewer system and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative, or, in his absence or inability to act, the person then in actual charge of said system.

(55) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

(56) "Town." Town of Jasper, Tennessee.

(57) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the EPA under the provisions of 33 U.S.C. 1317.

(58) "Treatment works." Any devices and systems used in the storage, treatment, recycling, and reclamation of domestic sewage of liquid industrial wastes, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems.

(59) "Twenty-four-hour, flow-proportional composite sample." A sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(60) "Unpolluted water." Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the EPA having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

(61) "User." Any person, firm, corporation, or governmental entity that discharges, causes, or permits the discharge of wastewater into a community sewer.

(62) "Waste." Sewage and other waste substances (liquid, solid, gaseous, or radioactive) associated with human habitation or of human or animal origin, or from any producing, manufacturing, or processing operation,

including such waste placed within containers of whatever nature prior to, and for purpose of, disposal.

(63) "Wastewater." Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(64) "Wastewater constituents and characteristics." The individual chemical, physical, bacteriological and radiological parameters, including toxicity, volume, and flow rate and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

(65) "Wastewater discharge permit." A permit obtained by an industrial user to discharge wastewater to the POTW.

(66) "Waters of the State of Tennessee." Any water, surface or underground, within the boundaries of the state. (Ord. #178, Dec. 1991)

18-203. Abbreviations. The following abbreviations shall have the following meanings:

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| (1) | "BAT." | Best Available Technology. |
| (2) | "BPT." | Best Practical Technology. |
| (3) | "BOD ₅ ." | Biochemical Oxygen Demand (5-day). |
| (4) | "CFR." | Code of Federal Regulations. |
| (5) | "COD." | Chemical Oxygen Demand. |
| (6) | "CWA." | Clean Water Act. |
| (7) | "CWT." | Centralized Waste Treatment Facility. |
| (8) | "EPA." | Environmental Protection Agency. |
| (9) | "GMP." | Good Management Practices. |
| (10) | "MBAS." | Methylene-blue-active substances. |
| (11) | "mg/l." | Milligrams per liter. |
| (12) | "NPDES." | National Pollutant Discharge Elimination System. |
| (13) | "POTW." | Publicly Owned Treatment Works. |
| (14) | "RCRA." | Resource Conservation and Recovery Act. |
| (15) | "SIC." | Standard Industrial Classification. |
| (16) | "SWDA." | Solid Waste Disposal Act, 42 U.S.C. 6901, et seq. |
| (17) | "TSS." | Total Suspended Non-filterable Solids. |
| (18) | "U.S.C." | United States Code. (Ord. #178, Dec. 1991) |

18-204. Use of public services. (1) Connection with sanitary sewer required. (a) Sewer connection required. Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which segment there is a sanitary sewer which is within five hundred (500) feet of the property line of the parcel containing the building shall be considered as being served by the town's sanitary sewer system.

All new buildings hereafter constructed on property which is served by the town's sewer system shall not be occupied until the connection has been made. The owner or occupant of each lot or parcel

of land which is now served or which may hereafter be served by the town's sewer system shall cease to use any other method for the disposal of sewage except as approved for direct discharge by the Tennessee Department of Environment and Conservation (TDEC) or by discharge to a properly functioning and approved septic tank. Septic tanks shall not be used where sewers are available. The superintendent shall make any decision as to the availability of sewers; however, if the affected property owner disagrees with the decision made by the superintendent, said property owner shall have the right to appeal the decision to the Town of Jasper's Board of Water Works and Sewer Commissioners. In the event it is determined that the town's sanitary sewer system is not available to the property owner, then the property owner shall not be required to pay the sewer user charge as described in section 18-213 of this chapter, unless hook up is made to the town's sewer system.

(b) Unconnected sewer service lines prohibited where connection is available. Except for discharge to a properly functioning septic tank system approved by the Marion County Health Department or discharges permitted by a national discharge elimination system permit (hereinafter NPDES) issued by the TDEC, the discharge of sewage into places other than the town's sewer system is prohibited. All permanently moored boats, floating houses, or floating restaurants, which are not intended to be used as a means of transportation, are likewise required to discharge sanitary sewage into the town's sewer system.

(c) Insufficient capacity, connection moratorium. In those parts of the town sewer system where no additional capacity exists and a sewer moratorium has been established pursuant to orders of the TDEC, no new or additional sewer connections shall be permitted. Permits issued prior to the date of the moratorium may be completed. A moratorium shall continue in effect until the capacity restriction has been corrected.

(2) Adequate and minimum fixtures. (a) Minimum number of fixtures. A dwelling shall have at least one commode, one bathtub or shower, one lavatory, one kitchen-type sink, and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation, and personal hygiene. All other buildings, structures, or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required by any other law or regulation, but not less than one commode and one hand-washing lavatory.

(b) Adequate water for disposal of waste required. It shall be unlawful for any person in possession of premises into which a pipe or other connection with the town sanitary sewers and drains have been laid to permit the same to remain without adequate fixtures attached to allow a sufficient quantity of water to be so applied as properly to carry off all waste matter and keep the same unobstructed.

(3) Right to enter, inspect connection. The superintendent, the building inspector, or other designated employees of the Town of Jasper shall have free and unobstructed access to any part of the premises where house drains or other drains connected with or draining into the town's sewers are laid for the purpose of examining the construction, condition, and method of use of the same, upon cause or reasonable suspicion that there is an improper discharge, or upon a periodic systematic inspection of a particular drainage basin or other large segment of the system through those facilities at any time of the day between the hours of 7:00 a.m. and 6:00 p.m. or any other time in the event of an emergency. If such entry is refused, the sewer service may be disconnected upon reasonable notice and an opportunity for a hearing. The service may be suspended immediately in the event of an emergency if there is reasonable cause to suspect that the discharge will endanger the public health or the environment, shall have the potential to interrupt the treatment process, or shall damage the town's lines or facilities, and a hearing shall thereafter be afforded the user as soon as possible.

(4) Demolished buildings. When a building is demolished, it shall be the responsibility of the owner to have the sewer service line plugged securely so that extraneous water will not enter the sewer. The owner of the premises or his agent shall notify the building inspector and/or the superintendent of such a plug and allow same to be inspected prior to covering of any work. If such line is to be reused, it must first undergo inspection by the building inspector and/or superintendent and be in conformity with then-existing standards.

(5) Limitations on point of discharge; temporary facilities. No person shall discharge any substance directly into a manhole or other opening in a town sanitary sewer other than through an approved building sewer unless he has been issued a temporary permit by the superintendent. A temporary permit may be issued at the discretion of the superintendent to provide for discharges from portable sanitary facilities for festivals or public shows or for other reasonable purposes. The superintendent shall incorporate in such a temporary permit such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter. The user shall be required to pay reasonable charges and fees for the permit and service in an amount not less than the charges and fees for normal discharges. Any discharge other than through an approved building sewer or in accordance with a permit issued by the superintendent shall be unlawful.

(6) Vehicle wash racks. All gasoline filling stations, garages, self-service automobile washers, and other public wash racks where vehicles are washed shall install catch basins in conformity with the plumbing code in accordance with a permit obtained from the building inspector. In the event any existing premises does not have a catch basin and the sewer line servicing the facility stops up due to grit or slime in the sewer lines, then the owner or operator of such premises shall be required to modify these facilities to construct a catch basin as a condition of continuing use of the system. If such users are

industrial users as defined section 18-209 of this chapter a permit as specified therein will be required.

(7) Grease traps, grit traps, oil interceptors, and lint traps. Restaurants, cafeterias, caterers, laundries, schools, hospitals, nursing homes, jails, prisons, wash racks, vehicle service stations, engine or machinery repair shops, and other facilities that produce grease, grit, oil, lint, or other materials which accumulate and cause or threaten to cause stoppages or impair the efficiency of the town's sewers or threaten the safety of its employees, shall install and properly maintain a grease trap, grit trap, lint trap, oil interceptor, or other appropriate device of standard design and construction to prevent excess discharges of such materials. The design and construction of any such device shall be subject to prior approval of the superintendent. All such devices shall be located so as to be readily and easily accessible for inspection and maintenance, shall be cleaned at regular intervals, and shall be constructed in accordance with applicable building codes and standards. The superintendent may require keeping of records to document cleaning.

(8) Multi-user private sewer system. Excluding those industrial waste facilities with a permit issued pursuant to section 18-209, the owner or operator of a private sewer system such as, but not limited to, multi-tenant buildings, building complexes, and shopping centers shall be responsible for the quality of wastewater discharged at the point of connection to the town's sanitary sewer system and shall be responsible for any violations of the provisions of this chapter, including liability for the damage or injury caused to the town's system as a result of any discharge through the private system. (Ord. #178, Dec. 1991, as amended by Ord. #227, § 1, Nov. 1996, and Ord. #348, March 2012)

18-205. Building sewers, connections and permits. (1) Installation, maintenance, repair of sewer service lines; charge; exception.

(a) Definition. A standard sanitary sewer service line is a 4- or 6-inch pipe extending from the sewer main or trunk location in a street, alley, or easement to the property served by the main or trunk.

(b) Installation of sewer service lines. Four-inch building sewers shall be laid on a grade of at least 1 percent. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2 feet per second. The slope and alignment of all building sewers shall be neat and regular.

Building sewers shall be constructed only of one of the following approved materials: (1) cast iron (2) Polyvinyl chloride pipe with solvent-welded joints or rubber compression joints (3) ABS composite sewer pipe with solvent-welded or rubber compression joints of approved type to have a minimum wall thickness equal to Schedule 40.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the

requirements of the building and plumbing code or other applicable rules and regulations of the town. In absence of code provisions or in those portions of the Jasper service area that are not covered by existing town plumbing codes, the following general regulations shall apply, and where additional provisions of or amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply:

(i) A clean out shall be located five (5) feet outside of the building and one as it taps on to the utility lateral.

(ii) Cleanouts shall not be more than fifty (50) feet apart in horizontal drainage lines of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes.

(iii) Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed.

(iv) A Y and 1/8 bend shall be used for the cleanout base.

(v) Cleanouts shall be installed at each change of direction of the building sewer which is greater than 45 degrees.

(vi) Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(c) Standard sewer stub-outs. Hereafter, as a part of sanitary sewer projects in Jasper, the town shall install, or cause to be installed, standard sanitary sewer service lines from mains or trunks located in a street, alley, or easement to the property line of each lot or residence on the street being sewerred. In the case of sewers being constructed in undeveloped subdivisions located within a designated sewer project, the standard sanitary sewer service lines may be constructed to each lot as shown by the developer on the plat of the subdivision as filed in the Register's Office of Marion County, Tennessee. Sewer service lines may not be constructed at the expense of the town in a street where the property is unsubdivided and undeveloped. In such cases, a fee shall be charged upon connection to the sewer line as provided in section 18-213.

(d) Fee. There is hereby levied and imposed a sewer service line charge of five hundred dollars (\$500.00) for every sanitary sewer service line installed hereafter where a lateral sewer connection has been provided for use by the applicant. The service line charge shall be paid by property owners at the time that application is made to the town for permission to tie on to the sanitary sewer service line. The collection of such payments shall be the responsibility of the superintendent. This service line charge will be in addition to any required fee for a plumbing permit, street cuts, or other fees; provided that such sewer service line charge shall not apply if the lateral sewer connection was constructed by and the cost of same borne by the developer of a subdivision incident to the construction of a collector sewer system for the subdivision or there

has been no lateral sewer connection provided; and the applicant shall be required to show that he is entitled to this exception.

(e) Sewer permit and inspections. (i) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(ii) The owner or his agent shall make application for a building sewer and discharge permit on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent.

(iii) Charges for sewer a permit fee shall be ten dollars (\$10.00). Charges for an inspection fee shall be ten dollars (\$10.00).

(iv) The applicant for the building sewer and discharge permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection will be made under the supervision of the superintendent or his representative. Connections made without an approved application may be severed by the superintendent. Such unapproved connection may be allowed to remain active if inspected and accepted; however, the owner shall be required to pay an amount double the current regular fee.

(v) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(vi) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(f) Location of sewer stub-out. The plumbing contractor is responsible for locating the sewer stub-out. Town personnel will provide whatever information is available for this purpose. If no wye or tee exists within 3 feet of either side of the location shown in the town's records, then a tap will be provided by the town when the sewer main is uncovered. If a manhole needed for locating a service line has been lost, then the town shall be responsible for locating the manhole.

(g) Taps on town sewers. All taps made directly into the town's sewer lines may be made by town sewer maintenance personnel. The plumbing contractor may excavate to the town's sewer and expose the pipe in preparation for the tap. Only one service line shall be allowed to

be installed in a trench. New taps may be made using a wye-type connection.

(h) Manhole required. A new manhole will be required whenever a sewer service line larger than 6 inches is needed to tie into the town's sewer. The plumbing contractor may excavate to the town's sewer and sufficiently expose the pipe for installation of a manhole. The town's sewer maintenance personnel may install the manhole. The cost of the manhole, including labor and materials, may be charged to the owner after construction is completed.

(i) Maintenance of sewer service lines. All repairs and maintenance of the sanitary sewer service line to include correction of excessive flow or infiltration shall be the responsibility of the property owner or user of the sewer. The town shall be responsible for the maintenance of collector lines only up to the point where the owner's sewer service line connects to the town's lines.

(j) Exceptions for state highways and railroads. When the installation of sanitary sewer service lines is required for sewers constructed in highways or streets owned by the State of Tennessee for which boring rather than open cutting is required by regulation of the State of Tennessee, installation shall be at the expense of the property owner, and the provisions of paragraph (c) shall not be applicable. Whenever a sanitary sewer service line must be installed under a railroad track or railroad right-of-way, the provisions of paragraph (c) shall not be applicable, and the property owner shall construct and maintain the sanitary sewer service line at his own expense. Installation of sanitary sewer service lines in state highways or streets must be approved by the Tennessee Department of Transportation and by the railroad in railroad rights-of-way.

(2) Service lines to enter sanitary sewers at junction; exception. No service lines shall enter a sanitary sewer at any point except where a junction has been made and left therefor unless by special permission of the superintendent. In all cases where such permission is given, the work shall be done under the inspection of the town's superintendent and at the risk and expense of the party making the connection.

(3) Sewer construction; acceptance of work. All sewer construction involving interceptor sewer lines, pump stations, metering stations, and appurtenances which shall become a part of the town's sewer system shall not be constructed until the plans are approved and the construction inspected and approved by the superintendent. Any construction work the town sewers are opened, uncovered or undercut must have prior approval of the superintendent. (Ord. #178, Dec. 1991)

18-206. Private domestic wastewater disposal. (1) Availability. Where a public sanitary sewer is not available under the provisions of subsection

18-204(1), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the sewer service area unless and until a certificate is obtained from the town stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by zoning regulations and the Marion County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Marion County Health Department shall supply any plans, specifications, and other information as are deemed necessary by the Marion County Health Department.

(c) A private disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Marion County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Marion County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Marion County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation (TDEC) and the Marion County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in sanitary manner at all times at no expense to the town.

(f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Marion County Health Department. (Ord. #178, Dec. 1991)

18-207. Prohibitions and limitations on discharges. (1) Purpose and policy. This section establishes limitations and prohibitions on the quantity and quality of wastewater which may be legally discharged into the POTW. Pretreatment of some wastewater discharges will be required to achieve the goals established by this section and the Clean Water Act. The specific limitations set forth in paragraph (i) hereof, and other prohibitions and limitations of this section, are subject to change as necessary to enable the town to provide efficient wastewater treatment, to protect the public health and environment, and to enable the town to meet requirements contained in its

NPDES permit. The superintendent shall review said limitations from time to time to ensure that they are sufficient to protect the health and safety of sewer system personnel and the operation of the treatment works to enable the facility to comply with its NPDES permit, provide for a cost-effective means of operating the treatment works, and protect the public health and the environment. The superintendent shall recommend changes or modifications as necessary.

(2) Prohibited pollutants. No person shall introduce into the POTW any pollutant(s) which cause pass-through or interference. Additionally, the following specific prohibitions apply:

(a) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade), as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of 10 percent of the lower explosive limit (LEL) at any point within the POTW.

(b) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a Ph lower than 6.0 or higher than 9.0, except as provided in subsection 18-206(16).

(c) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(d) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge (slug) of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects on its workers or the environment.

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees Centigrade (104 degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65 degrees Centigrade.

(f) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker's health and safety problems.

(g) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(h) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that cause interference or pass-through.

(i) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the town's NPDES permit.

(k) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(l) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(m) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(3) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subsection 18-207(2) of this section and the specific prohibitions in paragraphs (c), (d), and (e) of that subsection where the user can demonstrate one of the following:

(a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.

(b)(i) A local limit designed to prevent pass-through and/or interference, as the case may be, was developed pursuant to subsections 18-207(10) and (11) for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each such local limit directly prior to and during the pass-through or interference.

(ii) If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass-through or interference and the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature of constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(4) Wastewater constituent evaluation. The wastewater of every industrial user shall be evaluated using the following criteria:

(a) Wastewater containing any element or compound which is known to be an environmental hazard and which is not adequately removed by the treatment works.

(b) Wastewater causing a pass-through, discoloration, foam, floating oil and grease, or any other condition in the quality of the town's

treatment work effluent such that receiving water quality requirements established by law cannot be met.

(c) Wastewater causing conditions at or near the town's treatment works which violate any statute, rule, or regulation of any public agency of Tennessee or the United States.

(d) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance.

(e) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludges, or scums causing them to be unsuitable for reclamation, reuse, causing interference with the reclamation process, or causing them to be unsuitable for disposal.

(f) Wastewater discharged at a point in the collection system that is upstream of any overflow, bypass, or combined sewer overflow and which may thereby cause special environmental problems or specific discharge limitations.

(g) Wastewater having constituents and concentrations in excess of those listed in subsection 18-207(10) or cause a violation of the limits in 18-207(11).

(h) The capacity of existing sewer lines to carry the anticipated wastewater flow, particularly with respect to any problems, overflows, or overloads caused by heavy rain infiltration.

(i) The toxicity of each wastewater shall be evaluated by an appropriate biomonitoring technique to determine if a specific discharge may significantly affect the overall toxic level of the POTW influent.

The superintendent or the board, as applicable, shall establish reasonable limitations, prohibitions, or monitoring requirements in addition to the limits established pursuant to subsections 18-207(5) and (11) of this chapter in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria or that has processes that generate wastewater that could violate any of the above criteria prior to pretreatment as shall be reasonably necessary to achieve the purpose and policy of this section.

(5) National pretreatment standards. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to such a standard shall comply with all requirements and with any additional or more stringent limitations contained in this section. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within 3 years following promulgation of the standards unless a shorter compliance time is specified. Compliance for new sources shall be required upon promulgation. New sources shall have in operating condition

and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days). New sources must meet all applicable pretreatment standards.

(6) Dilution. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(7) Limitation on radioactive waste. No person shall discharge or permit to be discharged any radioactive waste into a community sewer, except as follows:

(a) When the person is authorized to use radioactive materials by the TDHE or the Nuclear Regulatory Commission (NRC).

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the agencies having jurisdiction.

(c) When a copy of permits received from said regulatory agencies has been filed with the superintendent.

(8) Septic tank pumping, hauling, and discharge. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge sewage directly or indirectly into the POTW, unless that person first receives from the superintendent a septic tank discharge permit for each vehicle used in this manner. All applicants for a septic tank discharge permit shall complete the forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulation established by the superintendent.

(a) The owners of such vehicles shall affix and display the permit number in 4-inch block figures on the side of each vehicle used for such purpose.

(b) The permit shall be valid for a period of 1 year from date of issuance, provided that the permit shall be subject to suspension or revocation by the superintendent for violation of any provisions of this code, regulations as established by the superintendent, or other applicable laws and regulations. A revocation or suspension of the permit shall be for a period not to exceed 5 years. Such revocation or suspension shall bind the permittee, any member of the immediate family of the permittee, or any person who has purchased the business or a substantial amount of the assets of the permittee who paid less than fair market value for such business or assets. Users found operating in violation of a permit issued under this subsection and whose permit is therefore revoked by the superintendent, shall be notified of the violation by certified mail or by a notice personally delivered to the user.

(c) Septic tank discharge permits are not automatically renewed. Application for renewal must be made to the superintendent.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. All other hauled wastes shall be governed by subsection 18-207(9). Any user transporting, collecting, or discharging non-domestic industrial process wastewaters or a mixture of such wastewaters with domestic wastewater shall obtain a holding tank discharge permit in accordance with 18-207(9).

(e) The superintendent shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto, or where it appears that a truckload of waste contains industrial process waste or a mixture of domestic sewage and industrial process waste.

(f) The superintendent shall have authority to investigate the source of any hauled waste and to require testing of the waste at the expense of the discharger prior to discharge.

(9) Other holding tank waste. No user shall discharge any other holding tank wastes, including hauled industrial waste, into the POTW unless he has been issued a holding tank discharge permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. All applicants for a holding tank discharge permit shall complete forms required by the superintendent, pay appropriate fees, and agree in writing to abide by the provisions of this and any special conditions or regulations established by the superintendent. All such dischargers and transporters must show that they have complied with federal manifests and other regulations under RCRA. The permit shall state the specific location of the discharge, and the time of day the discharge is to occur, the volume of the discharge, and the source and character of the waste, and shall limit the wastewater constituents and characteristics of the discharge. The user shall pay any applicable charges of fees and shall comply with the conditions of the permit. However, the superintendent may waive at his discretion the application and the fees for discharge of domestic waste from a recreational vehicle holding tank.

(10) Limitations on wastewater strength (local limits). No user shall discharge wastewater with pollutant concentrations excess of the concentration set forth in the table below unless: (1) an exception has been granted the user under the provisions of subsection 18-208(8); or (2) the user's wastewater discharge permit provides as a special permit condition temporarily allowing a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

<u>Pollutant</u> ¹	Maximum Concentration (mg/l) (24-hour Flow Proportional Composite Sample) ²	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Cadmium (Cd)	0.044	-----
Chromium (Cr)	0.472	-----
Copper (Cu)	0.505	-----
Cyanide (CN)	-----	0.420
Lead (Pb)	0.207	-----
Mercury (Hg)	0.0045	-----
Nickel (Ni)	0.849	-----
Silver (Ag-free ionic)	0.019	-----
Zinc (Zn)	1.565	-----
Phenols	-----	0.543
Oil and Grease	-----	80

¹Measurements for all pollutants except silver are in total form.

²Where non-proportional sampling is approved by the superintendent in lieu of 24-hour flow-proportional sampling, limits shall also apply to non-proportional sampling.

(11) Criteria to protect the treatment plant influent. The superintendent shall monitor the treatment works influent for each pollutant in the following table. Industrial users shall be subject to the reporting and monitoring requirements set forth in section 18-210 as to these pollutants. In the event that the influent at the treatment works reaches or exceeds the established levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend remedial measures as necessary, including but not limited to, the establishment of new or revised pretreatment levels for these pollutants. The superintendent shall also recommend changes to any of these criteria in the event the POTW effluent standards or applicable laws or regulations are changed, or when changes are necessary for a more effective operation.

<u>Pollutant</u>	Monthly Average Maximum Concentration (mg/l)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Cadmium (Cd)	0.014	
Copper (Cu)	0.167	
Chromium (Cr)	0.176	
Nickel (Ni)	0.237	
Lead (Pb)	0.076	
Mercury (Hg)	0.002	
Silver (Ag-free ionic)	0.009	
Zinc (Zn)	0.60	
Cyanide (CN)	1.125	
pH (range)	5.5 to 10.5 standard units	----
BOD ₅	800	----
Total suspended solids	800	----
Oil and grease	----	80
Phenols	0.161	

(12) Storm drainage, ground water, unpolluted water, and contaminated storm water. (a) No storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, cooling water, or other unpolluted or minimally polluted water shall be discharged into the town's sewer unless no other reasonable alternative is available, except with permission from the superintendent. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the superintendent. All users shall be required to maintain their private sewer lines so as to prevent infiltration of ground or storm water as a condition of use of the system and shall immediately repair or replace any leaking or damaged lines.

(b) The town will accept the discharge of contaminated storm water if the following criteria are met: (1) all known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden; (2) the contaminated storm water meets the town's discharge limits and all state and federal pretreatment

requirements; and (3) the volume of the discharge will not exceed the hydraulic loading in the collection system or the treatment plant.

(13) Limitations on the use of garbage grinder. No waste from garbage grinders shall be discharged into the town's sewers except from private garbage grinders used in an individual residence or upon permit issued by the superintendent for preparation of food consumed on premises, and then only where applicable fees are paid. Installation of any garbage grinder equipped with a three-fourths horsepower (or greater) motor shall require a permit. The superintendent may issue a permit when there is inadequate space on the user's premises to properly store food preparation waste between regularly scheduled garbage pickup by a service with an equal or greater frequency of collection. Provided, further, that such grinders shall shred the waste sufficiently that it can be carried freely under normal flow conditions prevailing in the sewer lines. It shall be unlawful for any person to use a garbage grinder connected to the sewer system for the purpose of grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.

(14) Hospital or medical waste. It shall be unlawful for any person to dispose of medical waste, surgical operating room waste, or delivery room waste into the town's sewer.

(15) Obstruction of or damage to sewer lines. It shall be unlawful for any person to deposit or cause to be deposited any waste which may obstruct or damage storm or sanitary sewer lines or which may inhibit, disrupt, or damage either system, including the sewer treatment process and operations. This prohibition includes all substances, whether liquid, solid, gaseous, or radioactive and whether associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing. It shall be unlawful to block or obstruct any catch basin, sewer line, or other appurtenance; or to break, injure, or remove any portion from any part of a sewer, drain, or catch basin, including plates covering manholes.

(16) Limitation on pH excursions. Where an industrial user continuously monitors wastewater pH by means of a recorder, the user shall maintain the pH of such wastewater within the range set forth in this sewer use ordinance, except excursions from the range are permitted subject to the following limitations:

(a) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month.

(b) No individual excursion from the range of pH values shall exceed 60 minutes duration.

(c) No individual excursion shall fall below a pH of 5.0. An excursion is an unintentional and temporary incident in which the pH value of discharge wastewater falls outside the range of pH values set

forth by this sewer use chapter. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993, Ord. #217, Nov. 1995, and Ord. #305, July 2006)

18-208. Control of prohibited pollutants. (1) Pretreatment requirements. Industrial users of the POTW shall design, construct, operate, and maintain wastewater pretreatment facilities when necessary to reduce or modify the user's wastewater composition to achieve compliance with the limitations in wastewater strength set forth in subsection 18-207(10) of this chapter to meet applicable national pretreatment standards, to prevent slug discharges or to meet any other wastewater condition or lamination contained in the industrial user's wastewater discharge permit.

(2) Plans and specifications. (a) Plans and specifications for wastewater monitoring and pretreatment facilities shall be prepared, signed, dated, and sealed by a registered engineer, and be submitted to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans within 45 days of receipt and recommend to the industrial user any appropriate changes. Prior to beginning construction of a monitoring or pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the superintendent. Prior to beginning construction, the industrial user shall also secure building, plumbing, and all other required permits.

(b) The industrial user shall construct the pretreatment facility within the time provided in the industrial user's wastewater discharge permit. Following completion of construction, the industrial user shall provide the superintendent with as-built drawings to be maintained by the superintendent. The review of such plans and specifications will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce an effluent complying with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or methods of operations shall be reported to and be approved by the superintendent prior to implementation.

(3) Prevention of accidental discharges. All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this section from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this section. The wastewater discharge permit of any industrial user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this section shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for accidental discharge. Plans, specifications, and operating

procedures for special permit conditions shall be developed by the user and submitted to the superintendent for review under the applicable provisions of this chapter.

(4) Oil and grease discharge control program. Disposal of oil or grease by discharge to the sewer system is not permitted. Oil includes lubricating oils, transmission and brake fluids, other industrial oils, and vegetable oils used in a food processing or food service facility. Grease includes fats and grease from animal or vegetable sources, as well as petroleum grease. The superintendent shall contact all town discharge permit holders, restaurants, cafeterias, caterers, schools, hospitals, nursing homes, jails, prisons, vehicle maintenance auto shops, septic tank pumpers, commercial food processors, oil recyclers and transporters, and others as appropriate, by letter, pamphlet, or other appropriate form of communication as often as needed to advise them of requirements for oil and grease discharge control. These dischargers will also be informed of alternate oil and grease disposal options available in the Jasper vicinity. At a minimum, dischargers of wastewaters containing oil and grease shall be required to provide an equivalent of primary treatment based on gravity separation of visible and floating oil and grease and oil and grease sludge from wastewater discharges. Such pretreatment processes shall be subject to the good management practices as required by § 18-208(8)(f) and approval by the superintendent. Discharges shall also be subject to monitoring, entry, inspection, reporting, records review, and other requirements as determined by the superintendent at his discretion. These dischargers may be required by § 18-208(8)(f) and approval by the superintendent to apply for industrial waste discharge permits if the superintendent determines that the dischargers are a source of prohibited pollutants, toxic pollutants in toxic amounts, or are otherwise controlled by federal or state regulations. All dischargers of oil and grease as listed above are subject to all enforcement and penalty provisions of this chapter. The requirements of this subsection will be more fully set forth in a Fats, Oil, and Grease (FOG) Discharge Control Program as approved by the board. This subsection shall not apply to single- or multi-family residences.

(5) Slug control program. (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this section. A slug is defined as any pollutants, including oxygen demanding pollutants (BOD, COD, NH₃, etc.) released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its workers or the environment. No user who commences discharge to the sewerage system after January 1, 1990, shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures has been evaluated by the superintendent.

(b) Certain users will be required to prepare Slug Discharge Prevention and Contingency Plans (SDPC) showing facilities and operating procedures to provide this protection. These plans shall be

submitted to the superintendent for review and approval. All existing users required to have SDPC plans shall submit such a plan within 3 months after notification from the superintendent and complete implementation within 6 months. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this section.

(c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.

Within 5 days following a slug discharge, the user shall submit a detailed report describing the cause of the discharge and the measures being taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, fish kills, or any other damage to person or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

(d) A notice shall be permanently posted on the user's premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.

(6) Prohibition of bypass. (a) Except as allowed in paragraph (c) below, bypass is prohibited, and the superintendent may take enforcement action against an industrial user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

(iii) The industrial user submitted notices as required under in subsection 18-210(13) of this chapter.

(b) The superintendent may approve an anticipated bypass after considering its adverse effect if the superintendent determines that it will meet the three conditions listed in paragraph (a) of this subsection.

(c) Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the reporting provisions of subsection 18-210(13).

(7) Centralized waste pretreatment facilities. The superintendent shall establish effluent limits for centralized waste treatment facilities (CWT) in order that the level of pollution discharged from the CWT through the POTW to the environment will not exceed the level that would be allowed if the CWT discharged directly to surface waters under Section 301(b)(2) of the Act (33 U.S.C. Section 1311). Additionally, centralized waste treatment facilities shall maintain records and submit reports as directed by the superintendent regarding the SIC codes of their customers and the frequency, characteristics, and volume of wastes from the various categories.

(8) Exception to wastewater strength standard. (a) Applicability. This subsection provides a method for industrial users subject to the limitation on wastewater strength pollutants listed in subsection 18-207(10) to apply for and receive a temporary exception to the discharge level for one or more pollutants or parameters.

(b) Time of application. Applicants shall apply for a temporary exception when they are required to apply for a wastewater discharge permit or renewal provided that the superintendent allows applications at any time unless the applicant has submitted the same or substantially similar application within the preceding year that was denied by the board.

(c) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the superintendent pursuant to paragraph (d) of this subsection.

(d) Review by superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the superintendent to correct such deficiencies. This 30-day period may be extended by the superintendent upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate it within 30 days and approve or deny the application based upon the following factors:

(i) The superintendent shall consider if the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in subsection 18-207(10) and

grant an exception only if such exception is within limitations of applicable federal regulations.

(ii) The superintendent shall consider if the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), or similar state regulation, and then grant an exception only if such exception may be granted within the limitations of federal and state regulations.

(iii) The superintendent shall consider if the exception would create conditions or a hazard to town personnel that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The superintendent shall consider the possibility of the exception causing the treatment works to violate its NPDES permit.

(v) The superintendent shall consider if the exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the town or which would cause the town to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345) or similar state regulatory measure.

(vi) The superintendent may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(vii) The superintendent may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(viii) The superintendent may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The superintendent may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(x) The superintendent may consider an application for exception based upon the fact that water conservation measures instituted or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this subparagraph, the

applicant must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in subsection 18-207(10). No such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have significant adverse impact upon the operation of the POTW.

(e) Review by utilities board. The board shall review any appeal to a denial by the superintendent of an application for an exception and shall take into account the same factors considered by the superintendent. At such hearing, the applicant and the superintendent shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in subsection 18-211(4) shall be applicable to such a hearing. The applicant shall bear the burden of proof in an appeal hearing.

(f) Good management practices required. The superintendent or the board shall not grant an exception unless the applicant demonstrates to the board that good management practices (GMP) are being employed to prevent or reduce the contribution of pollutants to the POTW. GMPs include, but are not limited to, preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks, and drainage from raw material storage. (Ord. #178, Dec. 1991, as amended by Ord. #348, March 2012)

18-209. Wastewater discharge permits. (1) Applicability. The provisions of this chapter are applicable to all industrial users of the POTW. The town has an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR, Part 403.3(d) and any permits issued hereunder to industrial users who are subject to or who become subject to a National Categorical Pretreatment Standard as defined in 40 CFR, Part 403.3(j) shall be conditioned upon the industrial user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the State of Tennessee regarding such categorical standards unless an exception for the town's program or for specific industrial categories is authorized.

(2) Application and permit requirements for industrial user. Prior to discharging non-domestic waste into the POTW, all non-domestic users shall obtain a wastewater discharge permit, and shall complete such forms as required by the superintendent, pay appropriate fees, and agree to abide by the provisions of this section and any specific conditions or regulations established by the superintendent. All original applications shall be accompanied by a report containing the information specified in subsection 18-209(3) of this chapter. All original applications shall also include a site plan, floor plan, and mechanical and plumbing plans with sufficient detail to show all sewers and

appurtenances in the user's premises by size, location, and elevation. The industrial user shall also submit revised plans to the superintendent when alterations or additions to the user's premises affect said plans.

(3) Report requirement. The report required for non-domestic waste users by subsection 18-209(2) or other provisions of this chapter shall contain in units and terms appropriate for evaluation the information listed in subparagraphs (a) through (e) below. Industrial users subject to national pretreatment standards shall submit to the superintendent a report which contains the information listed in paragraphs (a) through (f) below within 180 days after the promulgation by the EPA of a national pretreatment standard under Section 307(b) or (c) [33 U.S.C.1317(b) or (c)] of the Act. This report is called the Baseline Monitoring Report (BMR). Industrial users who are unable to achieve a discharge limit set for in section 18-208 without improved operation and maintenance procedures or pretreatment shall submit a report which contains the information listed in paragraphs (a) through (g) of this subsection.

As specified, the report shall contain all applicable portions of the following:

(a) The name and address of the industrial user.
(b) The location of the industrial user.
(c) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by the industrial user.

(d) The average and maximum flow in gallons per day of discharge from the industrial user to the POTW.

(e) The nature and concentration of pollutants in the discharge from each regulated process from the industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard and as determined by standard methods approved by the superintendent. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the superintendent for approval. When Ph information is required in the initial report or in regular periodic self-monitoring reports, it shall be provided to the superintendent as a copy of the charge from a continuous Ph recorder.

(f) A statement that has been reviewed by an authorized representative of the industrial user and certified by a professional engineer indicating if pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(g) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, the report

shall contain the shortest schedule by which the industrial user will provide the additional pretreatment. The completion date in this schedule shall be no later than the compliance date established for the applicable pretreatment standard.

For purposes of this paragraph when the context so indicated, the phrase pretreatment standard shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the industrial user's discharging any incompatible pollutant regulated by section 18-207. For purposes of this paragraph, the term pollutant shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in section 18-207.

(4) Incomplete applications. The superintendent will act only on applications that are accompanied by a report which contains all the information required in subsection 18-209(3) above. Industrial users who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within that period or with such extended time allowed by the superintendent, the superintendent shall deny the application and notify the applicant in writing of such action.

(5) Evaluation of application permit conditions. Upon receipt of complete applications, the superintendent shall review and evaluate the applications and shall propose such special permit conditions as the superintendent deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this section and all other applicable ordinances, laws, and regulations. The superintendent may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following.

- (a) Pretreatment requirements.
- (b) The average and maximum wastewater constituents and characteristics.
- (c) Limits on rate and time of discharge of requirements for flow regulations and equalization.
- (d) Requirements for installation of inspection and sampling facilities.
- (e) Specifications for monitoring programs that may include sampling, number, types, and standards for tests and reporting schedule.
- (f) Requirements for submission of technical reports or discharge reports.
- (g) Requirements for maintaining records relating to wastewater discharge.
- (h) Mean and maximum mass emission rates, or other appropriate limits when toxic pollutants (as set forth in section 18-207) are proposed or present in the industrial user's wastewater discharge.

(i) Other conditions deemed appropriate by the superintendent to ensure compliance with this section or other applicable ordinance, law, or regulation.

(j) A reasonable compliance schedule, as determined by the superintendent, up to one year in duration or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance.

(k) Requirements for the installation of facilities to prevent and control accidental discharge or spills at the user's premises.

(l) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Applicant to be notified of proposed permit conditions; right to object.

(a) Upon completion of the evaluation, the superintendent shall notify the applicant of any special permit conditions proposed for inclusion in the wastewater discharge permit.

(b) The applicant shall have 45 days from and after the date of the superintendent's recommendations for special permit conditions to review same and file written objections with the superintendent in regard to any special permit conditions recommended. The superintendent may, but is not required, to schedule a meeting with applicant's authorized representative within 15 days following receipt of the applicant's objections, to attempt to resolve disputed issues concerning special permit conditions.

(c) If applicant files no objection to special permit conditions proposed by the superintendent or a subsequent agreement is reached concerning same, the superintendent shall issue a wastewater discharge permit to applicant with such special conditions incorporated therein. Otherwise, the superintendent shall submit the disputed matters to the board for resolution.

(7) Board to establish permit conditions; hearing. (a) In the event the superintendent cannot issue a wastewater discharge permit pursuant to subsection 18-209(6) above, the superintendent shall submit to the board the proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the board or a specially called meeting.

(b) The board shall schedule a hearing within 90 days following the meeting referred to above unless such time is extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The superintendent shall notify the applicant of the date, time, place, and purpose of the hearing scheduled by the board. The applicant and the superintendent shall have the right to participate in the hearing and present any relevant evidence to the board concerning

proposed special permit conditions or other matters being considered by the board.

(d) Following the hearing or additional hearings deemed necessary and advisable by the board, the board shall establish special permit conditions deemed advisable to ensure the applicant's compliance with this section or other applicable laws or regulations and direct the superintendent to issue a wastewater discharge permit to the applicant accordingly.

(8) Compliance schedule and reporting requirements. The following conditions shall apply to the schedules required by subsection 18-209(5) of this section:

(a) Schedule components. 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 requirements for the industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing the engineering report, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(b) Schedule intervals. No such increment shall exceed 9 months.

(9) Duration of permit. (a) All existing permits for significant industrial users shall be reviewed and reissued with revisions as necessary to comply with new regulatory measures of this on or before June 30, 1991.

(b) Wastewater discharge permits shall be issued for a period not to exceed 3 years. Provided that permits issued prior to June 30, 1991, may be issued for a period between 2 and 3 years for the administrative convenience of the superintendent so as to stagger the renewal dates of the permits. Provided further that permits issued to industrial users granted an exception pursuant to subsection 18-208(8) shall be issued for a period not to exceed 1 year.

(c) Notwithstanding the foregoing, industrial users subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The superintendent shall notify in writing any industrial user whom the superintendent has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the superintendent in this regard shall not relieve the industrial user of the duty of complying with such national pretreatment standards. An industrial user must apply in writing for a renewal permit within the period of time not more than 90 days and not less than 30 days prior to expiration of the current permit.

(d) Limitations or conditions of a permit are subject to modification or change as such changes become necessary due to changes in applicable water quality standards, changes in the town's NPDES permit, subsection 18-207(11), changes in other applicable law or regulation, or for other just cause. Industrial users shall be notified of any proposed changes in their permit by the superintendent at least 30 days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The industrial user may appeal the decision of the superintendent in regard to any changed permit conditions as otherwise provided in this section.

(10) Transfer of a permit. Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, a different premises, or a new or changed operation, unless as approved by the superintendent. Permit is voidable by the town upon nonuse, cessation of operations, or transfer of business ownership. Permit is void upon issuance of a new wastewater discharge permit.

(11) Revocation of permit. Any permit issued under the provisions of this section is subject to modification, suspension, or revocation in whole or in part during its term for cause, including but not limited to, the following:

(a) Violations of any terms or conditions of the wastewater discharge permit or other applicable law or regulation.

(b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Refusal of reasonable access to the user's premise for the purpose of inspection or monitoring. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993)

18-210. Inspections, monitoring and records. (1) Inspections, monitoring and entry. (a) When required to carry out the objective of this section, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition under this section; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of performance, or permit condition; (3) any requirement established under this subsection.

(b) The superintendent shall require any industrial user to (1) establish and maintain records, (2) make reports, (3) install, use, and maintain monitoring equipment or methods, including where appropriate, biological monitoring methods, (4) sample effluents in

accordance with these methods, at such locations, at such intervals, and in such manner as the superintendent shall prescribe, and (5) provide such other information as the superintendent may reasonably require.

(c) Specific requirements under the provisions of paragraph (b) of this subsection shall be established by the superintendent, or the board applicable, for each industrial user and such requirements shall be included as a condition of the industrial user's wastewater discharge permit. The nature of degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of an economic reasonableness of any such requirement imposed.

(d) The superintendent or his authorized representative shall, upon presentation of his credentials:

(i) Have a right of entry to, upon, or through any user's premises in which an effluent source is located or in which any records required to be maintained under this subsection are located.

(ii) Have access at reasonable times to and copy any records, inspect any monitoring equipment or method required under paragraph (b), and sample any effluents which the owner or operator of such source is required to sample.

(e) In the event any industrial user denies the superintendent or his authorized representative the right of entry for inspection, sampling effluents, inspecting and copying records, or verifying that a user is not discharging industrial wastes or performing such other duties as shall be imposed upon the superintendent by this section, the superintendent shall seek a warrant or use such other legal procedures as advisable and reasonably necessary to discharge the duties of this section.

(f) Any industrial user failing or refusing to discharge any duty imposed upon the user under the provisions of this subsection, or who denies the superintendent or authorized representative the right to enter the user's premises for purposes of inspection, sampling effluents, inspecting, and copying records, or such other duties as may be imposed upon him by this subsection, shall be deemed to have violated the conditions of the wastewater discharge permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this section. A user who does not have an industrial waste discharge permit and denies the superintendent or authorized representative the right to inspect as described herein is subject to having the sewer service in question terminated by the superintendent.

(2) Reports. (a) Progress reports. No 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 superintendent, including as a minimum, whether 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 the delay, and 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 superintendent.

(b) 90-day report, new source compliance. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the superintendent a report containing the information described in subsection 18-209(3), paragraphs (d) through (f).

(c) Self-monitoring reports. (i) All significant industrial users shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by their permit. In addition, this report shall include a record of average and maximum daily flows. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(ii) The superintendent, as applicable, may impose mass limitations on industrial users employing dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(d) The reports required in this subsection shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production rates and mass limits where requested by the superintendent, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards or industrial permit. For industrial users subject to equivalent mass or concentration limits established by the superintendent as alternative standards, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the

reporting period. The frequency of monitoring shall be prescribed in the applicable treatment standard.

(3) Monitoring facilities. (a) All significant industrial users shall install a monitoring station of a standard design or one satisfactory to the superintendent by June 30, 1991. All users who propose to discharge or who, in the judgement of the town, could now or in the future discharge wastewater with constituents and characteristics different from that produced by a domestic premise may be required to install a monitoring facility.

(b) Installation. Required monitoring facilities shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to allow inspection, sampling, and flow measurement of wastewaters. If sampling or metering equipment is also required by the town, it shall be provided, installed, and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. The town may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

(c) Access. If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for town personnel. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and any sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

(d) The industrial user shall be required to design any necessary facility and to submit according to the permit compliance schedule an engineering report, including detailed design plans and operating procedures to the superintendent for review in accordance with accepted engineering practices. The superintendent shall review the plans and other documents within 45 days and shall recommend to the industrial user any change deemed appropriate.

(e) Upon approval of plans and other documents, the industrial user shall secure all building, electrical, plumbing, and other permits required and proceed to construct any necessary facility and establish required operating procedures within the time provided in the industrial user's wastewater discharge permit.

(4) Sampling and analysis. (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.

(b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by EPA shall be followed in all self-monitoring activities. Unless otherwise permitted by the superintendent, pH reports shall be in the form of a continuous strip chart or circular chart from a pH recorder. Four individual grab samples at intervals spaced over the daily period of discharge shall be used for cyanide, phenols, oil and grease, and volatile organics. Unless otherwise permitted by the superintendent, all other samples shall be 24-hour flow-proportional composite.

(c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the superintendent. Any change in monitoring location will be subject to the approval of the superintendent.

(d) All analyses shall be performed in accordance with procedures established by EPA under the provisions of Section 304(h) of the Act [33 U.S.C. 1314(h)] and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by EPA or the superintendent. Sampling shall be performed in accordance with the techniques approved by EPA or the superintendent.

(5) Dangerous discharge notification. (a) Telephone notification. Any person or user causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to human health and welfare or the environment, or which is likely to cause interference with the POTW, shall notify the superintendent immediately by telephone. In the absence of the superintendent, notification shall be given to the town employee then in charge of the treatment works. Such notification will not relieve the permit holder from any expense, loss, liability, fines, or penalty which may be incurred as a consequence of the discharge.

(b) Written report. Within 5 days following such occurrence, the user shall provide the superintendent with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of a contact in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(6) Slug reporting. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by subsection 18-208(5), by the industrial user.

(7) Notification of the discharge of hazardous waste. (a) The industrial user shall notify as soon as practicable the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of any discharge into the POTW of a substance which is listed or characteristic waste under Section 3001 of RCRA (42 USCA Section 6921). Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes and estimating the volume of hazardous wastes expected to be discharged during the following 12 months. The notification must take place within 180 days after notification by the superintendent. This requirement shall not apply to pollutants already reported under the self-monitoring requirements of subsection 18-210(2).

(b) Dischargers are exempt from the requirements of this paragraph during a calendar month in which they generate no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.5(2), (f), (g), and (j). Generation of more than 15 kilograms of hazardous waste in any given month requires a one-time notification. Subsequent months during which the industrial user generates more than 15 kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(3), (f), (g), and (j).

(c) In the case of new regulations under Section 3001 of RCRA (42 USCA Section 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (b) of this section.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(8) Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes, for which the industrial user has submitted initial notification under subsection 18-210(7).

(9) Provisions governing fraud and false statements. The report required to be submitted under this subsection shall be subject to the provisions of 18 U.S.C. Section 1001 relating to fraud and false statements and the provisions of Sections 309(c)(4) and (6) of the Act (33 USCA Section 1311), as amended, governing false statements, representation, or certifications in reports required under the Act.

(10) Signatory requirements for industrial user reports. The reports required by this section shall include a certification statement as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The report shall be signed as follows:

(a) By a responsible corporate officer if the industrial user submitting the reports required by this subsection is a corporation. For the purpose of this paragraph, a responsible corporate officer is (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required by this subsection is a partnership or sole proprietorship, respectively.

(c) By a duly authorized representation of the individual designated in paragraph (a) of this subsection if:

(i) The authorization is made in writing by the individual described in paragraph (a).

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a person in position of equivalent responsibility

or with overall responsibility for environmental matters for the company.

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under paragraph (c) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) of this subsection must be submitted to the superintendent prior to or in conjunction with any reports to be signed by an authorized representative.

(11) Reporting of violation. If sampling performed by an industrial user indicates a violation, the user shall notify the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within 30 days after becoming aware of the violation. The industrial user is not required to resample if one of the following criteria is met:

(a) The town performs sampling at the industrial user at a frequency of at least once per month.

(b) The town performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(12) Reporting of all monitoring. If an industrial user subject to the reporting requirements in subsection 18-209(10) of this section monitors any pollutant more frequently than required by the superintendent using approved procedures prescribed in this section the results of this monitoring shall be included in the report.

(13) Notice of bypass. (a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the superintendent. If possible, this should be submitted at least 10 days before the date of the bypass.

(b) An industrial user shall submit oral notice to the superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(14) Maintenance of records. Any industrial user subject to the reporting requirements established in this subsection shall maintain records of all information resulting from any monitoring activities required by this subsection. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples.
- (b) The dates analyses were performed.
- (c) Who performed the analyses.
- (d) The analytical techniques/methods.
- (e) The results of the analyses.

(15) Retention period. Any industrial user subject to the reporting requirement established in this subsection shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this subsection) and shall make these records available for inspection and copying by the superintendent, TDEC director of the Division of Water Pollution Control, and EPA. The retention period shall be extended during the course of any unresolved litigation regarding the industrial user or upon request from the superintendent, the Director, or the EPA.

(16) Confidential information. Any records, reports, or information obtained under this subsection shall (1) in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment, or permit condition, and (2) available to the public to the extent provided by 40 CFR, Part 2.302. If, however, upon showing satisfactory to the superintendent by any person that, if made public, records, reports, information, or particular parts (other than effluent data) to which the superintendent has access under this subsection, would divulge methods or processes entitled to protection as trade secrets of such person, the superintendent shall consider such record, report, or information or particular portion thereof confidential in accordance with the purpose of this section. Such record, report, or information may be disclosed to officers, employee, or authorized representatives of the United States or the State of Tennessee concerned with carrying out the provisions of the CWA or when relevant in any proceeding under this section or other applicable laws. (Ord. #178, Dec. 1991, as amended by Ord. #197, Apr. 1993)

18-211. Enforcement. (1) Orders. (a) Should the superintendent have reason to believe that a violation of any provision of the chapter has occurred, is occurring, or is about to occur, the superintendent may cause a written order to be served upon the alleged violator(s). The order may specify the provision(s) of the chapter alleged to be violated, the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the mayor and board of aldermen.

(b) Any such order shall become final and not subject to review unless the person or persons name therein request by written petition a hearing before the board as provided in subsection 18-211(4), no later than 30 days after the date such order is served; provided, however, that the board may review such final order on the same grounds upon which a court of the state may review default judgements.

(2) Additional remedies. In addition to other remedies provided herein, the superintendent may issue a show-cause notice to any user who appears to be violating any provision of this section to show cause why sewer service should not be discontinued. The notice shall include the nature of the violation with sufficient specificity as to the character of the violation and the date(s) which such violation(s) occurred to enable the user to prepare a defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least 20 days prior to the proposed action, except in the event of an emergency. At the show-cause hearing to be held before the superintendent, the user may present any defense to such charges, either in person or through submission of written or documentary proof. Following the hearing or opportunity for a hearing, the superintendent may at the discretion of the superintendent order termination of sewer service if satisfied from all available proof that the violation was willful and the termination is necessary to abate the offending condition or to prevent future violations. The superintendent may terminate service indefinitely to abate offending conditions or prevent future violations subject to the correction of such conditions or violations by the user.

Any violation of provisions of this chapter that is not corrected or abated following a notice and opportunity for a hearing shall be grounds for termination of water service and/or plugging of the sewer line.

(3) Emergency termination of service. (a) When the superintendent finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW of the pretreatment agency, the superintendent may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the superintendent deems necessary to meet the emergency.

(b) If the violator fails to respond or is unable to respond to the superintendent's order, the superintendent may take such emergency action as deemed necessary or contract with a qualified person(s) to carry out the emergency measures. The superintendent may assess the person(s) responsible for the emergency condition for actual costs incurred by the superintendent in meeting the emergency.

(c) In the event such emergency action adversely affects the user, the superintendent shall provide the user an opportunity for a hearing as soon as practicable thereafter to consider restoration of service

upon abatement of the condition or other reasonable conditions. Following the hearing, the superintendent may take any such authorized action should the proof warrant such action.

(4) Hearings. (a) Any hearing or re-hearing brought before the board shall be conducted in accordance with the following:

(1) Upon receipt of a written petition from the alleged violator pursuant to this section, the superintendent shall give the petitioner 30 days written notice of the time and place of the hearing, but in no case shall the hearing be held more than 60 days from the receipt of the written petition unless the superintendent and the petitioner agree to a postponement.

(2) The hearing provided may be conducted by the board at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(3) A verbatim record of the proceedings of the hearings shall be made and filed with the board in conjunction with the findings of fact and conclusions of law made in pursuant to paragraph (6) of this subsection. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the superintendent to cover the costs of preparation.

(4) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this subsection, the chancery court of Marion County shall have jurisdiction upon the application of the board or the superintendent to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey an order of the court is punishable by the court as contempt.

(5) Any member of the board may administer oaths and examine witnesses.

(6) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decision and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairman.

(7) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided in paragraph (b).

(8) Any person to whom an emergency order is directed pursuant to subsection 18-211(1) or 18-211(3) shall comply therewith immediately but on petition to the board shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than 3 days from the receipt of such petition by the board.

(9) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

(10) The party at the hearing bearing the affirmative burden of proof shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the superintendent, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(11) Any person aggrieved by any order or other final determination of the superintendent where an appeal is not otherwise provided by this subsection may appeal said order or determination to be reviewed by the board under the provisions of this subsection. A written notice of appeal shall be filed with the superintendent and the chairman, and said notice shall set forth with particularity the action or inaction of the superintendent complained of and the relief being sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may, at members' discretion, suspend the operation of the order or determination of the superintendent on which is based the appeal until such time as the board has acted upon the appeal.

(12) The vice chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this subsection when acting in his absence or in his place.

(b) An appeal may be taken from any final order or other final determination of the superintendent or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the

common law writ of certiorari set out in Tennessee Code Annotated (T.C.A) Section 27-8-101, within 60 days from the date such order or determination is made.

(5) Civil penalty. (a) (i) Any person, including, but not limited to, industrial users, who does any of the following acts or omissions shall be subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs:

(A) Violates any effluent standard or imitation imposed by a pretreatment program.

(B) Violates the terms or conditions of a permit issued pursuant to a pretreatment program.

(C) Fails to complete a filing requirement of a pretreatment program.

(D) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a pretreatment program.

(E) Fails to pay user or cost recovery charges imposed by a pretreatment program.

(F) Violates a final determination or order of the board.

(ii) Any civil penalty shall be assessed in the following manner:

(A) The superintendent may issue an assessment against any person or industrial user responsible for the violation.

(B) Any person or industrial user against whom an assessment has been issued may secure a review of such assessment by filing with the superintendent a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the board. If a petition for review of the assessment is served, the violator shall be deemed to have consented to the assessment, and it shall become final.

(C) When any assessment becomes final because of a person's failure to appeal the superintendent's assessment, the superintendent may apply to the appropriate court for a judgement and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment.

(D) In assessing the civil penalty, the superintendent may consider the following factors:

(1) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.

(2) Damages to the town, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs and attorneys' fees incurred by the town as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages.

(3) Cause of the discharge or violation.

(4) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.

(5) Effectiveness of action taken by the violator to cease the violation.

(6) The technical and economic reasonableness of reducing or eliminating the discharge.

(7) The economic benefit gained by the violator.

(E) The superintendent may institute proceedings for assessment in the name of the Town of Jasper in the chancery court of the county in which all or part of the pollution of violation occurred.

(iii) The board may establish by regulation a schedule of the amount of civil penalty which can be assessed by the superintendent for certain specific violations or categories of violations.

(b) Any civil penalty assessed to a violator pursuant to this subsection may be in addition to any civil penalty assessed by the Commissioner of Environment and Conservation for violations of T.C.A. Section 69-3-115(a)(1)(F). Provided, however, the sum of penalties imposed by this section and by Sections 69-3-115(a) shall not exceed \$10,000 per day for each day during which the act or omission continues or occurs.

(6) Assessment for noncompliance with program permits or orders.

(a) The superintendent may assess the liability of any polluter or violator for damages to the pretreatment agency resulting from any person(s) or industrial user(s) pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program. T.C.A. Section 69-3-123, 69-3-124, or 69-3-125, or subsections 18-211(5) or 18-211(9) of this chapter.

(b) If an appeal from such assessment is not made to the board by the polluter or violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.

(c) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or T.C.A. Sections 69-3-123 through 69-3-129 or subsections 18-211(5) through 18-211(9), in removing, correcting, and terminating any pollution, and also compensation for any actual damages caused by the pollution or violation.

(d) Whenever any assessment has become final because of a person's failure to appeal within the time provided, the superintendent may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgement in the amount of the assessment.

(7) Judicial proceedings and relief. The superintendent may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, T.C.A. Section 69-3-123 through 69-3-129, subsections 18-211(5) through 18-211(9), or orders of the board. In such action, the superintendent may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

(8) Administrative enforcement remedies. (a) Notice of violation. When the superintendent finds that any industrial user has violated or is violating this section, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said 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 actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent orders. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.

(c) Show-cause hearing. The superintendent may order any industrial user which causes or contributes to a violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served

on the user specifying the time and place for the meeting, the proposed enforcement action, the reason for such action, and a request that the 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 principal executive, general partner, or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the superintendent finds that an industrial user has violated or continues to violate this section or a permit or order issued thereunder, he may issue an order to the 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. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) Cease and desist orders. When the superintendent finds that an industrial user has or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do one of the following:

(i) Comply with the order.

(ii) Take appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(9) Assessment of damages to users. When the discharge of waste or any other act or omission causes an obstruction, damage, or any other impairment to the town's facilities which causes an expense or damages of whatever character or nature, to the town, the superintendent shall assess the expenses and damages incurred by the town to clear the obstruction, repair damage to the facility, and otherwise rectify any impairment, and bill the person responsible for the damage for reimbursement of all expenses and damages suffered by the town. If the person responsible refuses to pay, then the superintendent, shall forward a copy of the statement and documentation of all expenses to the town's attorney who shall be authorized to take appropriate legal action.

(10) Disposition of damage payments and penalties. All damages and/or penalties assessed and collected under the provisions of subsections 18-211(5) through 18-211(9) shall be placed in a special fund by the town and allocated and appropriated to the sewer system for the administration of its pretreatment program. (Ord. #178, Dec. 1991)

18-212. Wastewater volume determination. (1) Metered water supply. Charges and fees related to the volume of wastewater discharged to the town's sewer system shall be based upon the user's total water consumption from all water supply sources. The total amount of water used shall be determined from public meters installed and maintained by the town and/or private meters installed and maintained at the expense of the user and approved by the town.

(2) Actual wastewater volume. When charges and fees are based upon water usage and/or discharge and where, in the opinion of the town, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied only against the volume of water discharge from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user and approved by the town. The users may install a meter of a type and at a location approved by the town to measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the town.

(3) Estimated wastewater volume. For users where, in the opinion of the town, it is unnecessary or impractical to install meters, charges and fees may be based upon an estimate of the volume to be discharged. The estimate shall be prepared by the user and approved by the town. The number of fixtures, seating capacity, population equivalent, annual production of goods and services, and other such factors as deemed rational by the town shall be used to estimate the wastewater discharge volume.

(4) Domestic flows. For the separate determination of the volumes of domestic and industrial flows from industrial users for purposes of calculating charges based upon industrial wastewater flows alone, users shall install a meter of a type and at a location approved by the town. For users where, in the opinion of the town, it is unnecessary or impractical to install such a meter, the volume of the domestic and industrial wastewater shall be based upon an estimate prepared by the users and approved by the town. (Ord. #178, Dec. 1991)

18-213. Wastewater charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the town which will enable it to comply with the revenue requirements of the Federal Water Pollution Control Act Amendments. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program in order that sufficient revenues are collected to defray the town's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for equipment replacement, capital outlay, bond service costs, capital improvements, and depreciation.

(2) Sewer user rates and permit application fees. Sewer connection (tap) fees and system capacity charges are established in Jasper Municipal Code § 18-108. The Town of Jasper's sewer user charges for Class I users are hereby established for the sewer service areas indicated in the following amounts:¹

(a) User charges:

	<u>Monthly Charges</u> (Cost per 1,000 gallons of water furnished and/ or of sewage/wastewater discharged)
Jasper Sewer Service Area	
All consumption	\$ 4.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$ 8.00 per 1,000 gal.
Whitwell/Crossroads Sewer Service Area	
All consumption	\$ 8.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$16.00 per 1,000 gal.
Highway 41/Shellmound Sewer Service Area	
All consumption	\$ 8.00 per 1,000 gal.
Minimum bill (0 - 1,000 gallons)	\$16.00 per 1,000 gal.

(b) A pressure pump maintenance fee, where applicable, will be charged at the rate of five dollars (\$5.00) per month to customers within the Jasper sewer service area and at the rate of seven dollars and fifty cents (\$7.50) per month to customers in all other sewer service areas.

(c) Wastewater constituent and characteristics fee for excessive strength waste shall be established as required in Jasper Municipal Code § 18-213(3)(6).

(d) Industrial wastewater discharge permit fee:

(i) New permit: \$500.00.

(ii) Permit renewal: \$250.00.

(e) Industrial wastewater annual maintenance fee:

(i) Significant user: \$1,000.00.

(ii) Non-significant user: \$500.00.

(f) Discharge of septic and holding tank waste:

(i) Permit fee: \$75.00.

(ii) Wastewater discharge: \$20.00 per 1,000 gallons.

¹The sewer service areas that are or will be provided sewer service by the Town of Jasper are established in Jasper Municipal Code § 18-108.

(3) Basis for determination of charges. Charges and fees shall be based upon a minimum basic charge for each premise, computed on the basis of normal wastewater from a domestic premise with the following characteristics:

BOD ₅	250 mg/l
Suspended Solids	250 mg/l
Oil and Grease	80 mg/l
Volume	300 gpd per domestic premise

The charges and fees for all users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that user as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, suspended solids, oil and grease, and volume.

(4) User charges. Each user of the town's sewer system will be levied a charge for payment of bonded indebtedness of the town and for the user's proportionate share of the operation, maintenance, and replacement costs of the sewer system. A surcharge will be levied against those users with wastewater that exceeds the strength of normal wastewater.

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation, maintenance, and replacement for handling its periodic volume of normal wastewater plus the user's share of the bond amortization costs of the town.

(a) Operation, maintenance, and replacement (OM&R) user charges. Each user's share of OM&R costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

C_u = User's charge for OM&R per unit of time.

C_t = Total OM&R cost per unit of time, less cost recovered from surcharges.

V_t = Total volume contribution from all users per unit of time.

V_u = Volume contribution from a user per unit of time.

(b) Bonded indebtedness charges. Each user's share of bonded indebtedness costs will be based on a schedule which reflects the user's volumetric and/or waste strength contribution to the system.

(c) User surcharges. The surcharge will be the user's proportionate share of the OM&R costs for handling its periodic volume

of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in normal wastewater as defined by section 18-212, subsection 18-213(3). The user must also comply with subsection 18-207(10) and subsection 18-208(8). The amount of the surcharge will be determined by the following formula:

$$C_s = (B_c \times B + S_c \times S + P_c \times P) 8.34 V_u$$

Where:

- C_s = Surcharge for wastewaters exceeding the strength of normal wastewater expressed in dollars per billing period.
- B_c = OM&R cost for treatment of a unit of BOD₅, expressed in dollars per pound.
- B = Concentration of BOD₅ from a user above the base level of 250 mg/l expressed in mg/l.
- S_c = OM&R cost for treatment of a unit of suspended solids expressed in dollars per pound.
- S = Concentration of suspended solids from a user above the base level of 250 mg/l, expressed in mg/l.
- P_c = OM&R cost for treatment of a unit of any pollutant which the POTW is committed to treat by virtue of an NPDES permit or other regulatory requirement, expressed in dollars per pound.
- P = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharges will be established by the town.
- V_u = Volume contribution of a user per billing period in million gallons based on a 24-hour average for billing period.

The values of parameters used to determine user charges may vary from time to time. Therefore, the town is authorized to modify any parameter or value as often as is necessary. Review of all parameters and values shall be undertaken when necessary, but in no case less frequently than annually.

(d) Pretreatment program charges. Industrial users may be required to pay a separate pretreatment program charge. The pretreatment program charge will be based on the user's proportional share of the costs of

administering the POTW pretreatment program, which includes costs incurred by the town for verification monitoring, analysis, and reporting. Each user's share of the pretreatment program costs will be computed by the following formula:

$$C_u = \frac{C_t}{V_t} (V_u)$$

Where:

- C_u = User's charge for POTW pretreatment program per unit of time.
- C_t = Total POTW pretreatment program costs per unit of time.
- V_t = Total volume contribution of permitted industrial users per unit of time.
- V_u = Volume contribution from a permitted industrial user per unit of time.

(5) Review of OM&R charges. The town shall review at least annually the wastewater contribution by users, the total costs of OM&R of the treatment works, and its approved user charge system. The town shall revise the user charges to accomplish the following:

- Maintain the proportionate distribution of OM&R costs among users or classes of users.
- Generate sufficient revenue to pay the total OM&R costs of the treatment works.
- Apply any excess revenues collected to the costs of operation and maintenance for the next year and adjust the rate accordingly.

(6) Charges for extraneous flows. The costs of operation and maintenance for all flow not directly attributable to users, e.g., infiltration/inflow, will be distributed proportionally among all users of the treatment works.

(7) Billing. Bills for all water and sewer service will be rendered monthly. Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owned by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise a ten (10) percent penalty shall apply. Failure to receive a bill will not release a customer from payment obligation, or extend the due date.

Should the final date of payment of a 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 municipality if the envelope is date-stamped by the Post Office 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 municipality reserves the right to render an estimated bill based on the best information available.

(8) Adjustments. The town may make appropriate adjustments in the wastewater charge of sewer customers for over or under registration of town meters, leaks, or other recognized adjustments. (Ord. #178, Dec. 1991, as amended by Ord. #279, April 2002, and Ord. #317, July 2007)

18-214. Administration of sewer system. (1) Mayor and board of aldermen. In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

(a) To recommend from time to time that it amend or modify the provisions of this chapter.

(b) To grant exceptions pursuant to the provisions of subsection 18-208(8) hereof, and to determine such issues of law and fact as are necessary to perform this duty.

(c) To hold hearings upon appeals from orders of actions of the superintendent as may be provided under any provision of this chapter.

(d) To hold hearings relating to the suspension, revocation, or modification of a wastewater discharge permit and issue appropriate orders relating thereto.

(e) To hold other hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this section.

(f) To request assistance from any officer, agent, or employee of the town and to obtain any necessary information or other assistance for the board.

(g) The board, acting through its mayor, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the board.

(h) The mayor shall be authorized to administer oaths to people giving testimony before the board.

(i) The board shall hold regular meetings and special meetings as the board deems necessary.

(2) Superintendent.

(a) Superintendent and staff. The superintendent and his or her staff shall be responsible for the administration of all sections of this chapter. Administratively, the superintendent shall be appointed by and shall report to the mayor and board of aldermen.

(b) Authority of superintendent. The superintendent shall have the authority to enforce all sections of this chapter. The superintendent shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances. The superintendent shall be responsible for preparation of operating budgets subject to the normal budgetary processes of the town.

(c) Records. The superintendent shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all wastewater discharge permits.

(d) Superintendent to assist board. The superintendent shall attend all meetings of the mayor and aldermen, or when it is necessary for the superintendent to be absent, a designated representative shall be sent to make reports to and assist the board in the administration of this section.

(e) Notice of national pretreatment standard. The superintendent shall notify industrial users identified in 40 CFR, Part 403.8(f)(2) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C.1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Sections 3001 (42 U.S.C. 6921), 330-4 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the superintendent to notify industrial users shall not relieve the users from the responsibility of complying with these requirements.

(f) Public participation notice. The superintendent shall comply with the public participation requirements of 40 CFR, Part 25 in the enforcement of national pretreatment standards. The superintendent shall at least annually provide public notification in a newspaper published in Marion County of all significant industrial users which, during the previous 12 months, significantly violated applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(ii) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken during a 6-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and all other pollutants, except Ph).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the superintendent believes has caused, alone or in combination with other discharges, interference, or pass-through, including endangering the health of POTW personnel and the general public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date.

(vii) Failure to accurately report noncompliance.

(viii) Any other violation or group of violations which the superintendent considers to be significant.

(g) Regulations and standards authorized. The superintendent may promulgate rules, regulations, and design criteria not inconsistent with this chapter and have them printed for distribution. These rules may include requirements for performing wastewater characterizations, analysis, and other measurements by standard methods approved by the superintendent. Such rules and regulations shall be ratified and adopted by the mayor and board of aldermen.

(h) Sewer credits. The superintendent shall approve secondary meters and determine other kinds of sewer user charge credits.

(i) Approves new construction. The superintendent shall give approval in acceptance of newly constructed sanitary sewer lines, pump stations, and other appurtenances. (Ord. #178, Dec. 1991)

CHAPTER 3

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

SECTION

- 18-301. Definitions.
- 18-302. Compliance with law.
- 18-303. Regulated.
- 18-304. Statement required.
- 18-305. Inspections.
- 18-306. Correction of violations.
- 18-307. Required protective device.
- 18-308. Nonpotable supplies.
- 18-309. Provisions applicable.
- 18-310. Penalty.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "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 ineffective check or back pressure valves, or because of any other arrangement.

(2) "Public water system." The waterworks system which furnishes water to the Town of Jasper and certain surrounding areas for general use and which is recognized as a public water system by the Tennessee Department of Environment and Conservation (TDEC). (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-302. Compliance with law. The Town of Jasper Public Water System is to comply with Tennessee Code Annotated, § 68-221-101, et seq., as well as the rules and regulations for public water systems, legally adopted in accordance with said code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective on-going program to control these undesirable water uses. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-303. Regulated. 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 Environment, 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 Town of Jasper Public Water System. (Ord. # 171, Nov. 1989)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. # 171, Nov. 1989)

18-305. Inspections. The superintendent or his authorized representative shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the superintendent in accordance with guidelines acceptable to the Tennessee Department of Health and Environment. The superintendent or his authorized representative shall have the right to enter at any reasonable time any property served by a connection to the Town of Jasper Public Water System for the purpose of inspecting the piping system therein for cross-connections, auxiliary intakes, bypasses or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. # 171, Nov. 1989)

18-306. Correction of 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 time required to complete the work, the amount of time shall be designated by the superintendent.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711(6), within the time limits set by the superintendent, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the superintendent shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customers on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross-connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of

contaminating the public water system, the superintendent shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is(are) corrected immediately. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

18-307. Required protective device. Where the nature of use of the water supplied a premises by the water system 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 superintendent or his designated representative that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected;

Then the superintendent shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventers approved by the Tennessee Department of Environment and Conservation and by the superintendent as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

The owner or occupant of the premises shall provide for inspection and testing of the device on an annual basis by qualified personnel using properly calibrated testing equipment. The owner or occupant shall submit results of inspection and testing, a copy of the inspector's State of Tennessee certification and proof of annual calibration of testing equipment to the superintendent. The inspection and testing shall be at the expense of the owner or occupant of the premises. The results of inspection and testing shall be evaluated by the superintendent.

Personnel of the Town of Jasper Public Water System shall have the right to inspect and test the device whenever deemed necessary by the superintendent.

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. Where it is found that only one (1) unit has been installed and the continuance of service is

critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test or repair the device. The superintendent shall require the owner or occupant of the premises to make all repairs promptly and perform retesting to verify and to keep any protective device working properly. Repairs and retesting shall be at the expense of the owner or occupant of the premises. Detailed results of inspection, testing, repairs and retesting shall be furnished to and maintained by the Town of Jasper Public Water System.

Repairs shall be made by qualified personnel, acceptable to the superintendent. The failure to maintain a backflow preventive device in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, by-passing, or altering a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the owner or occupant of the premises has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (Ord. # 171, Nov. 1989, as amended by Ord. #319, Aug. 2007)

18-308. Nonpotable supplies. The potable water system available to premises served by the public water system 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. (Ord. # 171, Nov. 1989)

18-309. Provisions applicable. The requirements contained herein shall apply to all premises served by the Town of Jasper Public Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Town of Jasper's Corporate Limits. (Ord. # 171, Nov. 1989)

18-310. Penalty. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), and each day of continued violation

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after conviction shall constitute a separate offense. (Ord. # 171, Nov. 1989, as replaced by Ord. #319, Aug. 2007)

TITLE 19

ELECTRICITY AND GAS

(RESERVED FOR FUTURE USE)

TITLE 20

MISCELLANEOUS

(RESERVED FOR FUTURE USE)

ADMINISTRATIVE PROCEDURES

TRAVEL REQUESTS

To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval doesn't prohibit reimbursement, but it does assure reimbursement within the limits of the town travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel authorization form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program isn't available prior to the travel, submit it with the reimbursement form.

TRAVEL DOCUMENTATION

It's the responsibility of the authorized traveler to:

1. prepare and accurately describe the travel,
2. certify the accuracy of the reimbursement request,
3. note on the reimbursement form all direct payments and travel advances made by the town, and
4. file the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form should be filed with the finance department within 10 days of return or at the end of the month, whichever is more practical.

Transportation

All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation aren't cost-beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

Exceptions: When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of:

1. the actual expenses incurred or

2. the amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the least expensive rates available.

All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

A. Air

When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The town will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of "Super Saver" or other discount fares. Airline travel can be paid by direct billing to the town.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the town won't reimburse for additional expenses--such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class--for travelers to accumulate additional mileage or for other personal reasons.

The town won't reimburse travel by private aircraft unless authorized in advance by the CAO.

B. Rail or bus

The town will pay for actual cost of ticket.

C. Vehicles

Automobile transportation may be used when a common carrier can't be scheduled, when it's more economical, when a common carrier isn't practical, or when expenses can be reduced by two or more town employees traveling together.

Personal vehicle. Employees should use town vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The town will pay a mileage rate not to exceed the rate allowed by the federal or state schedule, whichever the town adopts. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official town business will be reimbursed. However, mileage in excess of the Rand-McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It's the responsibility of the traveler to provide

adequate insurance to hold harmless the town for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers won't be reimbursed for automotive repair or breakdowns when using their personal vehicle.

Town vehicle. The town may require the employee to drive a town vehicle. If a town vehicle is provided the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the town vehicle when proper documentation is provided. Out-of-town repair cost to the town vehicle in excess of \$100 must be cleared with the proper town official before the repair is authorized.

Rental cars. Use of a rental car isn't permitted unless it's less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

·Fines for traffic or parking violations won't be reimbursed by the town.

·Reasonable tolls will be allowed when the most direct travel route requires them.

D. Taxi, limousine, and other transportation fares

When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The town will reimburse mileage for travel to and from the local airport and parking fees, provided such costs don't exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, original receipts are required for claims of \$5 or more. Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable. Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense reimbursement form, claiming the destination and amount of each fare.

Lodging

The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal or state rate schedule, whichever is chosen by the town.

A. If the town reimburses using the federal rates, the Federal Travel Register provides guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available by requesting a copy of IRS Publication 1542. The rates in that publication are the maximum reimbursable rates for hotel rooms plus appropriate taxes.

If the town chooses Tennessee's reimbursement rate, the amount is \$33 plus appropriate taxes.

B. Original lodging receipts must be submitted with the reimbursement form. Photocopies aren't acceptable.

C. If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.

D. If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

E. If two or more town employees travel together and share a room, the lodging reimbursement rate will be the maximum of two single rooms. If an employee shares a room with a non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.

Meals

Receipts aren't required for meals. The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, tips, porters, and incidental expenses. The authorized traveler won't be reimbursed more than this.

Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work,

whichever produces the least cost to the town. When partial day travel is involved, the current per diem allowance is determined as follows:

Meal	If departure before	If return after
Breakfast	7 a.m.	8 a.m.
Lunch*	11 a.m.	1:30 p.m.
Dinner**	5 p.m.	6:30 p.m.

* Generally, lunch won't be reimbursed unless overnight travel is involved. Lunch may be reimbursed if departure is before 11 a.m. and the employee is eligible to be reimbursed for dinner.

**When overnight travel is involved, dinner reimbursement is authorized regardless of departure time.

Regardless of which reimbursement rate the town uses, the amounts include tip, gratuity, etc. The hour and date of departure and return must be shown on the expense reimbursement form.

The excess cost of an official banquet may be allowed provided proper documentation or explanation is submitted with the expense reimbursement form. If a meal is included as part of a conference or seminar registration, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

PLEASE NOTE:

The municipality has selected to reimburse travelers at the _____ [enter either federal or state] travel regulation rates. The town's rates will automatically change when the selected agency rates are adjusted.

[The town can order a copy of IRS Publication 1542 for a complete list of federal rates allowed. For more state rate information, contact the Department of Finance and Administration at (615) 741-2401.]

Miscellaneous Expenses

A. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel authorization form and can include a request for pre-registration fee payment.

B. The traveler may be reimbursed for personal phone calls while on overnight travel, but the amount will be limited to \$5 per day.

C. A \$4 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.

D. Laundry, valet service, tips, and gratuities are considered personal expenses and aren't reimbursable.

E. For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

Entertainment

The town may pay for certain entertainment expenses provided that:

- A. the entertainment is appropriate in the conduct of town business;
- B. the entertainment is approved by the CAO;
- C. the group or individuals involved are identified; and
- D. documentation is attached to the expense form to support the entertainment expense claims.

To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

A. required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable.

B. a disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group).

If the CAO is the person filing the claim, then it must be approved by the governing board before the finance officer authorizes payment.

TRAVEL RECONCILIATION

A. Within 10 days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, travel, taxi, parking, and other receipts must be attached.

If the town provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and town pre-payments indicated. The balance due the traveler or the refund due the town should be clearly shown--below the total claim on the form or in a cover memo attached to the front of the form.

B. If the traveler received travel advance and spent less than the advance, the traveler should attach a check made payable to the town for the difference.

C. The CAO will address special circumstances and issues not covered in this appendix on a case-by-case basis.

DISCIPLINARY ACTION

Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees.

ORDINANCE NO. 199

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF JASPER, TENNESSEE.

WHEREAS some of the ordinances of the Town of Jasper are obsolete, and

WHEREAS some of the other ordinances of the Town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Jasper, 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 "Jasper Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF JASPER, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Jasper Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified, 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 provision of the municipal code shall be punishable by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a 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 such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

Each day any violation of the municipal code continues shall constitute a separate offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see the Tennessee Code Annotated, section 40-24-101 et seq.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

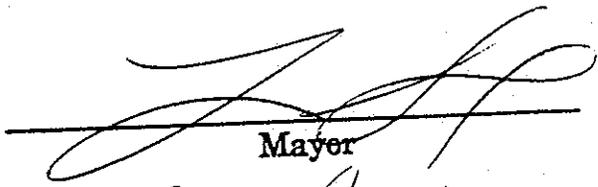
Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 5/3, 1993.

Passed 2nd reading, 12/6, 1993.


Mayer


Recorder