

**THE
ADAMSVILLE
MUNICIPAL
CODE**

Prepared by the
**MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE**
in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

July 1998

Change 1, August 21, 2012

CITY OF ADAMSVILLE, TENNESSEE

MAYOR

David Leckner

COMMISSIONERS

Frank Lacey
Mark Massey
Tommy Morris
Matt Wood

RECORDER

Glenda Anderson

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

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

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

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

Steve Lobertini
Codification Specialist

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

Section 2.11. City legislation.

1. The enacting clause of ordinances shall read "Be it ordained by the city of Adamsville, Tennessee".

2. An ordinance may be introduced by the mayor or any member of the commission. Every ordinance, except an emergency ordinance, must be approved on two (2) readings not less than fourteen (14) days apart, at least one of which must be a regular meeting, and shall become effective fourteen (14) days after final approval unless its terms provide a later effective date. Captions of all ordinances, except an emergency ordinance, shall be published at least once in the officially designated newspaper of the city or county before its final passage. Provided, however, the failure to publish the caption and/or ordinance shall in no way affect the validity of any ordinance otherwise properly adopted.

3. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on one reading, and become effective immediately, if the ordinance contains a full statement declaring an emergency and detailing the facts creating the emergency, and is passed unanimously by the city commission. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

4. All ordinances after final passage shall be signed by the mayor and his signature shall be attested by the city recorder.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COMMISSION.
2. MAYOR.
3. RECORDER.
4. ETHICS POLICY.

CHAPTER 1

CITY COMMISSION²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Time and place of regular meetings. The city commission shall hold regular monthly meetings at 7:30 P.M. on the fourth Monday of each month at the city hall. (1984 Code, § 1-101)

1-102. Order of business. At each meeting of the city commission, 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

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

Municipal code references

Building, plumbing and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: § 2.04.

Qualifications: § 2.02.

Quorum: § 2.06.

Term of office: § 2.02.

Vacancy in office: § 2.09.

- (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 commissioners, other officers, and committees.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1984 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city commission at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1984 Code, § 1-103, modified)

CHAPTER 2

MAYOR¹

SECTION

1-201. Executes municipality's contracts.

1-201. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the city commission. (1984 Code, § 1-202)

¹Charter references

Compensation: § 2.04.

Duties: § 2.07.

Qualifications: § 2.02.

Term of office: § 2.02.

Vacancy in office: § 2.09.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city commission. (1984 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city commission as required by the charter and shall preserve the original copy of all ordinances in a separate ordinance book. (1984 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the city commission and for the municipality which are not assigned by the charter, this code, or the city commission to another corporate officer. He or she 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. (1984 Code, § 1-303)

¹Charter reference: § 3.06.

CHAPTER 4

ETHICS POLICY

SECTION

- 1-401. Applicability.
- 1-402. Definitions.
- 1-403. Gift ban.
- 1-404. Gift ban exceptions.
- 1-405. Disposition of gifts.
- 1-406. Disclosure of personal interests by official with a vote.
- 1-407. Disclosure of personal interests in nonvoting matters.
- 1-408. City recorder to maintain a disclosure file.
- 1-409. Ethics complaints.
- 1-410. Violations.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. 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 "municipal" and "municipality" include these separate entities. (as added by Ord. #05210704, May 2007)

1-402. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) "Town"/"city" means the municipality of Adamsville, Tennessee.
- (2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) "Immediate family" means parents, spouse and children.
- (4) "Personal interest" means:
 - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5.00%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the city, or is regulated by any agency of the city; or
 - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the city has or is negotiating an acquisition, leasehold, or easement agreement;
 - (c) Any such financial or ownership interest as defined in § 1-402(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. #05210704, May 2007)

1-403. Gift ban. Except as permitted in § 1-404 of this chapter, no covered official or employee, nor any immediate family member of a covered official or employee, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. #05210704, May 2007)

1-404. Gift ban exceptions. Section 1-403 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and intergovernmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #05210704, May 2007)

1-405. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #05210704, May 2007)

1-406. Disclosure of personal interests by official with a 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #05210704, May 2007)

1-407. Disclosure of personal interests 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 the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee may, to the extent allowed by law,

charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #05210704, May 2007)

1-408. City recorder to maintain a disclosure file. The city recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed. (as added by Ord. #05210704, May 2007)

1-409. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of the chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgement, constitutes a violation of this chapter. The city attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against the mayor or a member of the city council, the city council 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, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(4) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #05210704, May 2007)

1-410. 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 city charter or other applicable law and, in addition, is subject to censure by the city council. An appointed official or employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (as added by Ord. #05210704, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3
MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (1984 Code, § 1-501)

¹Charter reference: § 3.05.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1984 Code, § 1-502)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1984 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city commission a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1984 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1984 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1984 Code, § 1-506)

¹State law reference

Tennessee Code Annotated, § 8-21-401.

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1984 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1984 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1984 Code, § 1-505)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1984 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1984 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1984 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. MISCELLANEOUS REGULATIONS--CITY PERSONNEL.
2. INFECTIOUS DISEASE CONTROL POLICY.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

SECTION

- 4-101. Business dealings.
- 4-102. Acceptance of gratuities.
- 4-103. Outside employment.
- 4-104. Political activity.
- 4-105. Use of municipal time, facilities, etc.
- 4-106. Use of position.
- 4-107. Strikes and unions.

4-101. 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. (1984 Code, § 1-901)

4-102. 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 city business. (1984 Code, § 1-902)

4-103. Outside employment. No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the department head. The department head 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. (1984 Code, § 1-903, modified)

4-104. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials or to off-duty law enforcement officers acting as private citizens. (1984 Code, § 1-904, modified)

4-105. 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 city commission 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. (1984 Code, § 1-905)

4-106. 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. (1984 Code, § 1-906)

4-107. 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. (1984 Code, § 1-907)

CHAPTER 2

INFECTIOUS DISEASE CONTROL POLICY¹

SECTION

- 4-201. Purpose.
- 4-202. Coverage.
- 4-203. Administration.
- 4-204. Definitions.
- 4-205. Policy statement.
- 4-206. General guidelines.
- 4-207. Hepatitis B vaccinations.
- 4-208. Reporting potential exposure.
- 4-209. Hepatitis B virus post-exposure management.
- 4-210. Human immunodeficiency virus post-exposure management.
- 4-211. Disability benefits.
- 4-212. Training regular employees.
- 4-213. Training high risk employees.
- 4-214. Training new employees.
- 4-215. Records and reports.
- 4-216. Legal rights of victims of communicable diseases.
- 4-217. Amendments.

4-201. Purpose. It is the responsibility of the City of Adamsville 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 City of Adamsville, 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. #92060101, Aug. 1992)

4-202. 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 body fluids 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

¹See Ord. #92060101 for the Exposure Control Plan of record in the recorder's office.

(7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #92060101, Aug. 1992)

4-203. Administration. This infection control policy shall be administered by the mayor or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the 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 body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the city commission any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids 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 city commission. (Ord. #92060101, Aug. 1992)

4-204. 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 body fluids 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 body fluids to be protected as though such body fluid were HBV or HIV infected. (Ord. #92060101, Aug. 1992)

4-205. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can 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 body fluids which contain visible blood. 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. #92060101, Aug. 1992)

4-206. 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 body fluids 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 body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, then use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.

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

(5) The 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 body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one

of the above;

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

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

(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 at 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 then taken to a hospital for disposal.

(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 body fluids 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 body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #92060101, Aug. 1992)

4-207. Hepatitis B vaccinations. The City of Adamsville shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #92060101, Aug. 1992)

4-208. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #92060101, Aug. 1992)

4-209. 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 (i.e., 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. #92060101, Aug. 1992)

4-210. 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. #92060101, Aug. 1992)

4-211. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensation Bureau in accordance with the provisions of T.C.A., § 50-6-303. (Ord. #92060101, Aug. 1992)

4-212. 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 body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #92060101, Aug. 1992)

4-213. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (Ord. #92060101, Aug. 1992)

4-214. 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. #92060101, Aug. 1992)

4-215. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

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

(4) Employee interviews. Should the city 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. #92060101, Aug. 1992)

4-216. 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 city 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. #92060101, Aug. 1992)

4-217. Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body. (Ord. #92060101, Aug. 1992)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-301. Purpose.
- 4-302. Enforcement.
- 4-303. Travel policy.
- 4-304. Travel reimbursement rate schedule.
- 4-305. Administrative procedures.

4-301. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor or local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #93071201, Aug. 1993)

4-302. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93071201, Aug. 1993)

4-303. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler under this chapter.

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

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

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

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

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

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

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

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93071201, Aug. 1993)

4-304. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city'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. #93071201, Aug. 1993)

4-305. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93071201, Aug. 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

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

CHAPTER 1

REAL PROPERTY TAXES

SECTION

5-101. When due and payable.

5-102. When delinquent--penalty and interest.

5-101. When due and payable.² Taxes levied by the municipality against real property shall become due and payable annually on the date fixed in the charter. (1984 Code, § 6-201)

5-102. When delinquent--penalty and interest.³ All real property taxes shall become delinquent on and after the date fixed in the charter and shall thereupon

¹Charter reference: art. IV.

²State law references

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

³Charter and state law reference

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

be subject to such penalty and interest as is authorized and prescribed by law.¹ (1984 Code, § 6-202)

¹Charter and state law references

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

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

CHAPTER 2

PRIVILEGE TAXES

SECTION

5-201. Tax levied.

5-202. License required.

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

<u>Retail</u>	<u>Wholesale</u>
Class 1 - 1/60 of 1%	Class 1A - 1/120 of 1%
Class 2 - 1/40 of 1%	Class 1B & 1C - 1/80 of 1%
Class 3 - 1/20 of 1%	Class 2 - 1/40 of 1%
Class 4 - 1/60 of 1%	Class 3 - 1/120 of 1%
(1984 Code, § 6-301)	

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

CHAPTER 3

WHOLESALE BEER TAX

SECTION

5-301. To be collected.

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

¹State law reference

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

CHAPTER 4

PURCHASING POLICY

SECTION

5-401. Procedures.

5-401. Procedures. In order to establish procedures for the purchase of supplies, services, and equipment, to exercise positive financial control over purchases, and to clearly define authority and responsibility for the purchasing function, this policy is hereby adopted.

(1) The recorder is designated to serve as purchasing agent and shall sign all purchase orders. In the absence of the recorder, purchase orders may be signed by the mayor or his designate. Purchase orders which do not have the signature of the recorder or the mayor or his designate shall not be valid.

(2) Purchase orders shall be issued by the recorder upon the request of the mayor, a commissioner or a department head prior to the contracting or purchase of goods or services.

(3) Prior to issuing a purchase order, the recorder shall determine that there is an unexpended balance in the budget line item to which the purchase will be charged sufficient to cover the amount of the purchase order as well as sufficient cash to pay for the item. If the balance or cash is insufficient, the recorder shall refuse to issue the requested purchase order. Refusal by the recorder to issue a purchase order due to insufficient funds may be overridden by specific action of the city commission.

(4) A purchase order number may be issued by the recorder to a vendor prior to the time a purchase transaction is completed, but no confirming purchase orders shall be issued.

(5) Department heads may charge purchases at local firms at which open accounts are maintained.

(6) All capital purchases in excess of \$500 shall have the prior approval of the mayor.

(7) Violation of this policy by any official or employee may result in the person being held personally responsible for the obligation incurred. (1984 Code, § 6-101)

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST¹

SECTION

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

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

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the 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. (1984 Code, § 1-402)

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

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

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1984 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1984 Code, § 1-405)

¹Municipal code reference

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

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available or the alleged offender does not post the required bond, he shall be confined. (1984 Code, § 1-406)

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

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

(2) All arrests made by policemen.

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

CHAPTER 2
WORKHOUSE

SECTION

6-201. City jail to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. City jail to be used. The city jail is hereby designated as the municipal workhouse. (1984 Code, § 1-601)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be prescribed by the chief of police. (1984 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.¹ (1984 Code, § 1-603)

¹State law reference
Tennessee Code Annotated, § 40-24-104.

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be and include all that area of the city zoned as the central business district. (1984 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

7-201. Fire code adopted.

7-202. Enforcement.

7-203. Definition of "municipality."

7-204. Storage of explosives, flammable liquids, etc.

7-205. Gasoline trucks.

7-206. Variances.

7-207. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition with 1995 revisions, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1984 Code, § 7-201, modified)

7-202. Enforcement. The fire prevention code 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. (1984 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Adamsville, Tennessee. (1984 Code, § 7-203)

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

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

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

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1984 Code, § 7-204)

¹Municipal code reference

Building, utility and housing codes: title 12.

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

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. (1984 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the city commission variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city commission. (1984 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the city commission 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. (1984 Code, § 7-207)

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the city commission. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The volunteer fire department shall be composed of a chief appointed by the city commission and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1984 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1984 Code, § 7-302)

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

7-304. 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 commissioner of fire and police once each month, and at the end of the year a detailed annual report shall be made. (1984 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the city commission. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up

¹Municipal code reference

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

to thirty (30) days by the commissioner of fire and police but may be dismissed only by the city commission.

All personnel of the volunteer fire department shall receive such compensation for their services as the city commission may from time to time prescribe. (1984 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the volunteer fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1984 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, 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 Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1984 Code, § 7-308)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Fire protection outside corporate limits.

7-401. Fire protection outside corporate limits. (1) The Adamsville Fire Department is hereby authorized to respond to calls and provide protection within a five (5) mile radius of the corporate limits of the City of Adamsville, Tennessee within McNairy County, Tennessee.

(2) Only one company shall be authorized to respond to calls and provide fire protection outside the corporate limits of the City of Adamsville, Tennessee. (Ord. #87080301, Aug. 1987)

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this municipality. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1984 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

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

CHAPTER 2

BEER¹

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Issuance of permits to aliens prohibited.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-213. Permit not transferable.
- 8-214. Prohibited conduct or activities by beer permit holders.
- 8-215. Revocation or suspension of beer permits.
- 8-216. Civil penalty in lieu of suspension.

8-201. Beer board established. There is hereby established a beer board to be composed of the Adamsville City Commission. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without compensation. (Ord. #87120701, Jan. 1988, as replaced by Ord. #04191003, April 2010)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #87120701, Jan. 1988)

¹State law reference

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

8-203. Record of beer board proceedings to be kept. The city recorder shall serve as secretary of the board and shall make a record of the proceedings of all meetings. The record 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 making and seconding motions; the vote of each member on motions; and the type and restrictions placed upon each beer permit issued. (Ord. #87120701, Jan. 1988)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #87120701, Jan. 1988)

8-205. Powers and duties of the beer board. The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer in accordance with the provisions of this chapter. (Ord. #87120701, Jan. 1988)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #87120701, Jan. 1988)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Adamsville. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #93091301, Oct. 1993)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1, to the City of Adamsville, 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. #93091301, Oct. 1993)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Selling at retail permits shall be further restricted so as to allow sales only for off-premises consumption or to allow sales only for on-premises consumption. Permits for on-premises consumption may be issued only to firms whose primary business is 51% the serving of prepared meals. It shall be unlawful for any permit holder to engage in any aspect of the beer business not expressly authorized by his permit or to fail to comply with any restrictions written into his permit by the board. The application shall be made on such form as the board shall prescribe and/or furnish. The application shall be accompanied by a fee \$100.00 which shall be non-returnable. Each applicant must be a person of good moral character and he must certify that he is familiar with the provisions of the chapter.

For the purposes of this chapter, the term "on premises consumption" shall mean consumption within the building for which the license is issued, except if the license is held by the proprietor of a golf course, on premises shall mean within the building and/or on the course. However, no consumption shall be permitted on any parking lot. (Ord. #87120701, Jan. 1988, as amended by Ord. #95050101, May 1995)

8-210. Issuance of permits to aliens prohibited. No permit to engage in the beer business shall be granted by the beer board to any person not a citizen of the United States nor to any syndicate or association unless all of the members thereof are citizens of the United States. (Ord. #87120701, Jan. 1988)

8-211. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. (Ord. #87120701, Jan. 1988)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. #87120701, Jan. 1988)

8-213. Permit not transferable. Permits shall not be transferable from one person to another or from one location to another or from one type to

another. Requests for changes in ownership, location, or type of permit shall be submitted to the beer board in the form of a new application. (Ord. #87120701, Jan. 1988)

8-214. 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) Make or allow any sale of beer to any person under twenty-one (21) years of age.

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

(4) Serve or sell on his premises any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(5) Sell, deliver or dispense beer to any person unless the person enters the building of the permittee. No beer shall be sold through a drive-up window.

(6) Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. on Mondays through Saturdays and between 12:00 Midnight and 12:00 Noon on Sundays by any permittee restricted to off-premises consumption sales.

Make or allow any sale of beer between the hours of 12:00 Midnight and 6:00 A.M. on Mondays through Saturdays and at any time on Sundays by any permittee restricted to on-premises consumption sales.

(7) Allow any loud, unusual or obnoxious noises to emanate from his premises. (Ord. #87120701, Jan. 1988)

8-215. Revocation or suspension of beer permits. The beer board may suspend or revoke any beer permit when the holder thereof is guilty of making false statement or misrepresentation in his application or of violating any of provisions of the chapter. No permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the parties known to have an interest in the permit. Suspension or revocation proceedings may be initiated by any member of the city commission, or by any member of the beer board. When a permit is revoked, no new permit shall be issued to the same permittee until the expiration of one year from the date the revocation becomes final. (Ord. #87120701, Jan. 1988)

8-216. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative

to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93091301, Oct. 1993)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. GARAGE SALES.

CHAPTER 1

MISCELLANEOUS

SECTION

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

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

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1984 Code, § 5-201)

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

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

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code reference
Privilege taxes: title 5.

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

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

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

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

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, and, if so, the nature of the offense and the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to help defray the cost of investigating the facts stated therein. (1984 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1984 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the city commission. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a

police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1984 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given. The surety may be relieved without costs of all further liability by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced. (1984 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1984 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1984 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1984 Code, § 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1984 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city commission after notice and hearing, for any of the following causes:

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) The mayor may suspend a permit pending the revocation hearing when reasonably necessary in the public interest. (1984 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1984 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1984 Code, § 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

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

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1984 Code, § 5-301)

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

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1984 Code, § 5-302)

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

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

CHAPTER 4

TAXICABS¹

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1984 Code, § 5-401)

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

¹Municipal code reference
Privilege taxes: title 5.

recommendation to either grant or refuse a franchise to the applicant. The city commission shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the city commission shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such any additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1984 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1984 Code, § 5-403)

9-404. Revocation or suspension of franchise. The city commission, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1984 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of the state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1984 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day.

At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1984 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1984 Code, § 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1984 Code, § 5-408)

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

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1984 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The city commission, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1984 Code, § 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1984 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to interfere unreasonably with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1984 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1984 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1984 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to blow the automobile horn unnecessarily; or otherwise to disturb unreasonably the peace, quiet and tranquility of the municipality in any way. (1984 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1984 Code, § 5-416)

CHAPTER 5

GARAGE SALES

SECTION

- 9-501. Definitions.
- 9-502. Property permitted to be sold.
- 9-503. Permit required.
- 9-504. Application required.
- 9-505. Permit fee.
- 9-506. Permit condition.
- 9-507. Hours of operation.
- 9-508. Exception.
- 9-509. Pre-permit investigation.
- 9-510. Display of sale property.
- 9-511. Display of permit.
- 9-512. Advertising signs.
- 9-513. Public nuisance.
- 9-514. Inspection-arrest authority of inspector.
- 9-515. Parking.
- 9-516. Revocation and refusal of permit.
- 9-517. Persons exempt from ordinance.
- 9-518. Separate violations.
- 9-519. Penalty.
- 9-520. Separability.

9-501. Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Garage sale" shall mean and include all general sales, open to the public, conducted from or on residential property in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(3) "Residence" shall include the whole of the property and attendant structures and shall also include all households, whether they be single-family or multi-family. (as added by Ord. #050407, May 2004)

9-502. Property permitted to be sold. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as added by Ord. #050407, May 2004)

9-503. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the city recorder. Members of more than one (1) residence may join in obtaining a permit for a garage sale to be conducted at the residence of one (1) of them. (as added by Ord. #050407, May 2004)

9-504. Application required. Prior to issuance of any garage sale permit, the individuals conducting such sale shall make application with the city recorder, setting forth the following information:

- (1) Full name and address of applicant;
- (2) The location at which the proposed garage sale is to be held;
- (3) The date or dates upon which the sale shall be held;
- (4) The date or dates of any other garage sales within the current calendar year;
- (5) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale. (as added by Ord. #050407, May 2004)

9-505. Permit fee. There shall be no fee charged for the three (3) annual permits issued within the year. (as added by Ord. #050407, May 2004)

9-506. Permit condition. The permit shall set forth and restrict the time and location of such garage sale. No more than three (3) such permits may be issued to one (1) residence during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. (as added by Ord. #050407, May 2004)

9-507. Hours of operation. Such garage sales shall be limited to no more than the daylight hours of three (3) consecutive days. (as added by Ord. #050407, May 2004)

9-508. Exception. (1) If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather

conditions, the city recorder may issue another permit to the applicant. No additional permit fee is required.

(2) Fourth sale permitted. A fourth garage sale shall be permitted in a calendar year if satisfactory proofs of a bona fide change in ownership of the real property is first presented to the city recorder or his duly authorized representative. (as added by Ord. #050407, May 2004)

9-509. Pre-permit investigation. Before issuing a permit, the city recorder may conduct an investigation as may reasonably be necessary to determine if there is compliance with this chapter. (as added by Ord. #050407, May 2004)

9-510. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard, but only in such areas. No personal property may be offered for sale at a garage sale in any public right-of-way. (as added by Ord. #050407, May 2004)

9-511. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen from the abutting front street by the public. (as added by Ord. #050407, May 2004)

9-512. Advertising signs. (1) Sign permitted. Only the following specified signs may be displayed in relation to a garage sale:

(a) On-premise signs. Two (2) signs of not more than six (6) square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(b) Off-premise directional signs. Two (2) signs of not more than two (2) square feet each are permitted.

(c) Placement of signs. No sign shall be permitted on utility poles, trees, poles or pipes containing highway signs or street signs and shall not be placed so as to block the view of an intersection.

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

(3) Removal of signs. Signs must be removed by the end of the day upon which the permit expires. (as added by Ord. #050407, May 2004)

9-513. Public nuisance. The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of

any member of the Police or Fire Departments of the City of Adamsville in order to maintain the public health, safety and welfare. (as added by Ord. #050407, May 2004)

9-514. Inspection-arrest authority of inspector. A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same, shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such a sale and/or charge the individual with violation of this chapter. (as added by Ord. #050407, May 2004)

9-515. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale. (as added by Ord. #050407, May 2004)

9-516. Revocation and refusal of permit. (1) False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the city recorder if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(2) Conviction of violation. If any individual is convicted of an offense under this chapter, the city recorder is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two (2) years from the time of conviction. (as added by Ord. #050407, May 2004)

9-517. Persons exempt from ordinance. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment from or at place of business wherein such sale would be permitted by the Zoning Regulations of the City of Adamsville or under the protection of the non-conforming use section therefore or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(4) Any sale conducted by a bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization from or at the place of business for the institution or organization when the proceeds from the

sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (as added by Ord. #050407, May 2004)

9-518. Separate violations. Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense. (as added by Ord. #050407, May 2004)

9-519. Penalty. Any person found guilty of violating the terms of this chapter shall be punishable as provided by the municipal code. (as added by Ord. #050407, May 2004)

9-520. Separability. If any provision of this chapter is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this chapter to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application. (as added by Ord. #050407, May 2004)

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.

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

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

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

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

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

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

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

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

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

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

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. Pit bulls and other vicious dogs.

10-205. Noisy dogs prohibited.

10-206. Confinement of dogs suspected of being rabid.

10-207. Seizure and disposition of dogs.

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

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

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

10-204. Pit bulls and other vicious dogs. (1) Pit bulls.

(a) Definitions. The words, terms, and phrases, and their derivations as used in this section, except where the context clearly indicates otherwise, shall have the following meanings:

(i) "Pit bull" means and includes any of the following dogs:

- (A) The bull terrier breed of dog;
- (B) The Staffordshire bull terrier breed of dog;
- (C) The American pit bull terrier breed of dog;
- (D) The American Staffordshire breed of dog;
- (E) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs, or pit bull terriers; and

¹State law reference

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

(F) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(ii) "Predominately" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harbinger that a dog is more than fifty percent (50%) pit bull. Predominately also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(iii) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this section.

(iv) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(v) "Confined" means to be securely kept indoors, within an automobile or other vehicle, or kept in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of such dog.

(vi) "Securely enclosed and locked pen or structure" means a fenced-in area that shall be a minimum of ten feet (10') wide, ten feet (10') long, and six feet (6') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least two feet (2') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children that there is a dangerous dog on the property. The enclosure shall contain and provide shelter and protection from the elements, adequate exercise room, be adequately lighted and ventilated, and kept in a sanitary condition.

(vii) "Physical restraint" means a muzzle and a leash not to exceed four feet (4') in length.

(viii) "Under restraint" means that the dog is secured by a leash, led under the control of a person who is at least eighteen (18) years of age and physically capable of restraining the dog, and that the dog is obedient to that person's commands. A dog kept

within a securely enclosed and locked pen or structure shall also be considered to be under restraint.

(ix) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(x) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or possessing a pit bull or any other dog regardless of breed determined to be vicious, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. Such dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(b) Pit bull restrictions. It shall be unlawful to keep, harbor, own, or in any way possess a pit bull dog within the corporate limits of Adamsville. Provided, however, that persons owning such dogs at the time the ordinance comprising this section is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this section, including § 10-204(3), within thirty (30) days of the effective date of the ordinance comprising this section.

(c) Standards and requirements for pit bulls. The following standards and requirements shall apply to pit bull dogs located within the corporate limits of Adamsville:

(i) Permit required. Each owner, keeper, harborer, or possessor of a pit bull dog shall annually obtain a pit bull permit from the Adamsville City Recorder. Such pit bull permit shall cost thirty dollars (\$30.00) per year and the pit bull's owner shall make a personal appearance at the Adamsville City Recorder's office when submitting an application for a permit. The thirty dollar (\$30.00) annual permit fee shall be non-refundable and shall be paid prior to any consideration of the permit application or issuance of the permit.

(ii) Physical restraint. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a pit bull dog to be kept on a chain, rope, or other type of leash shorter than four feet (4') in length outside its kennel or pen unless such person is of at least eighteen (18) years of age and is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(iii) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must

wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(iv) Outdoor confinement. Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined as defined in § 10-204(1)(a). All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the City of Adamsville.

(v) Indoor confinement. No pit bull dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(vi) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs shall be displayed within twenty-four (24) hours of the issuance of a pit bull permit by the City of Adamsville.

(vii) Insurance. Prior to the issuance of a pit bull permit by the City of Adamsville, all owners, keepers, harborers, or possessors of pit bull dogs shall provide a certificate of insurance to the Adamsville City Recorder as evidence that they have public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' advance written notice is first given to the Adamsville City Recorder. Failure to maintain such liability insurance or any other lapse in such coverage shall be grounds for the immediate revocation of the pit bull permit issued by the City of Adamsville.

(viii) Identification photographs. Prior to the issuance of a pit bull permit by the City of Adamsville all owners, keepers, possessors, or harborers of pit bull dogs shall provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(ix) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days

of the incident report the following information in writing to the Adamsville City Recorder as required hereinafter:

- (A) The removal from the city or death of a pit bull dog.
 - (B) The birth of offspring of a pit bull dog.
 - (C) The new address of a pit bull dog owner, keeper, possessor, or harborer should such owner, keeper, possessor, or harborer move his residence within the corporate limits of the City of Adamsville.
 - (d) Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a pit bull dog to any person within the City of Adamsville unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Adamsville.
 - (e) Animals born of registered dogs. All offspring born of pit bull dogs within the City of Adamsville shall be removed from the City of Adamsville within six (6) weeks of the birth of such animal.
 - (f) Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered with the City of Adamsville as a pit bull dog or any of those breeds defined by § 10-204(1) of this section is in fact a dog subject to the requirements of this section.
 - (g) Impoundment. Any pit bull dog, not kept in compliance with the provisions of this section, may be taken into custody by the appropriate authorities of the City of Adamsville or agents acting on its behalf, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with the impounding of the dog, in addition to any punitive fines to be paid.
 - (h) Court proceedings against the owner. If any pit bull dog is impounded, the City of Adamsville may institute proceedings in municipal court charging the owner with violation of this section. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this section where there has been no impoundment.
 - (i) Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this section, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this section, including penalties for violating this section. The city may request the district attorney general to petition the circuit court to order the dog destroyed in a humane manner.
- (2) Vicious dogs. (a) Definitions. The definitions included in § 10-204(1)(a) of this section shall apply to vicious dogs. Additionally, the

following words, terms, and phrases, and their derivations as used in this section, except where the context clearly indicates otherwise, shall have the following meanings:

"Vicious dog" means a dog of any breed other than a pit bull which:

Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property; or

Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals; or

Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or

Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.

(b) Vicious dogs prohibited. It shall be unlawful for any person to own, keep, harbor, or possess a vicious dog within the corporate limits of the City of Adamsville unless such dog is confined in compliance with this section.

(c) (i) Procedure for determining that a dog is vicious. Upon his own complaint alleging a dog to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Adamsville, the Adamsville City Recorder or his designee shall hold a hearing within five (5) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(ii) In making the determination as to whether a dog is vicious, the city recorder or his designee shall consider, but is not limited to, the following criteria:

- (A) Provocation;
- (B) Severity of attack or injury;
- (C) Previous aggressive history of the dog;
- (D) Observable behavior of the dog;
- (E) Site and circumstances of the incident giving rise to the complaint;
- (F) Age of the victim;
- (G) Statements from witnesses and other interested parties;
- (H) Reasonable enclosures already in place;
- (I) Height and weight of the dog.

(iii) Within five (5) days of the hearing, the city recorder or his designee shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this section. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, return receipt requested, and shall be at the owner's sole expense. The city recorder may:

(A) Vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this section; or

(B) Permit an alternate method of enclosure provided that, in the sole discretion of the city recorder, such alternate method fulfills the objectives as a secure enclosure.

(iv) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

(A) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the dog; or

(B) Was teasing, tormenting, abusing, or provoking the dog; or

(C) Was committing or attempting to commit a crime.

(v) No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault.

(d) Impoundment of vicious dogs. Any vicious dog, not in compliance with the provisions of this section, may be taken into custody by the appropriate authorities of the City of Adamsville or agents acting on behalf of the city, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with such impoundment in addition to any punitive fines to be paid. No dog which has been declared vicious pursuant to this section shall be released from impoundment unless and until the standards and requirements for keeping vicious dogs, as specified in subsection (2)(e) of this section have been met.

(e) Standards and requirements for keeping vicious dogs. The following standards and requirements shall apply to the keeping of vicious dogs located within the corporate limits of Adamsville.

(f) Registration. Within ten (10) days of a dog being declared vicious pursuant to this section, the owner, keeper, harborer, or possessor of such dog shall register dog with the Adamsville City Recorder.

(g) Physical restraint. No person having charge, custody, control, or possession of a vicious dog shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(h) Muzzle. It is unlawful for any owner or keeper of a vicious dog to allow the dog to be outside its kennel, pen or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(i) Outdoor confinement. Except when leashed and muzzled as provided in this section, all vicious dogs shall be securely confined as described in § 10-204(1)(a) of this section. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. All outdoor structures erected to house vicious dogs must comply with zoning and building ordinances and regulations of the City of Adamsville and construction of such structures shall be completed within thirty (30) days of the owner's dog being declared vicious.

(j) Indoor confinement. No vicious dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(k) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs required by this section shall be installed and in place within fourteen (14) days of an owner's dog being declared vicious.

(l) Insurance. Within fourteen (14) days of being declared vicious, all owners, keepers, harborers, or possessors of vicious dogs shall

provide proof to the city recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' advance written notice is first given to the Adamsville City Recorder.

(m) Identification photographs. Within fourteen (14) days of being declared vicious, all owners, keepers, possessors, or harborers of vicious dogs shall provide to the Adamsville City Recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(n) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the Adamsville City Recorder as required hereinafter:

- (i) The removal from the city or death of a vicious dog.
- (ii) The birth of offspring of a vicious dog.
- (iii) The new address of a vicious dog owner, keeper, possessor, or harborer should such owner, keeper, possessor, or harborer move his residence within the corporate limits of the City of Adamsville.

(o) Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a vicious dog to any person within the City of Adamsville unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such dog to persons who do not reside within the City of Adamsville.

(p) Court proceedings against the owner. If any vicious dog is impounded, the City of Adamsville may institute proceedings in municipal court charging the owner with violation of this section. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this section where there has been no impoundment.

(q) Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this section, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this section, including penalties for violating this section. The city may request the district attorney general to petition the circuit court to order the dog destroyed in a humane manner.

(r) Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Adamsville for the protection of persons or property unless the following provisions are met:

- (i) The guard dog shall be confined; or
- (ii) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and
- (iii) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser, and shall contain a telephone number where some person responsible for controlling the guard dog can be reached twenty-four (24) hours a day.

(3) Penalties. Any person found violating the provisions of this section upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (1984 Code, § 3-204, as amended by Ord. #91020401, March 1991, and replaced by Ord. #01190902, Jan. 2009)

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

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1984 Code, § 3-206)

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

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

¹State law reference

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

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

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

11-102. Minors in beer places.

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

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1984 Code, § 10-222, modified)

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1984 Code, § 10-201)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

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

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

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

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

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

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

(l) 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. (1984 Code, § 10-233)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

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

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the 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. (1984 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. (1984 Code, § 10-211)

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

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

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

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.

11-502. Throwing missiles.

11-503. Weapons and firearms generally.

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

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

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

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE
WITH TRAFFIC

SECTION

11-601. Trespassing.

11-602. Malicious mischief.

11-603. Interference with traffic.

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

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

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

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

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.

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

11-703. Posting notices, etc.

11-704. Curfew for minors.

11-705. Wearing masks.

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

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

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

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

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

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

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

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

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the 2003 International Building Code,² with revisions, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1984 Code, § 4-101, modified, as replaced by Ord. #02211101, Feb. 2011)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

be deemed to be a reference to the city commission. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the city commission has 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 Town of Adamsville the building code is adopted [amended so that the fees to be collected shall be as follows:]¹ (1984 Code, § 4-102, as replaced by Ord. #02211101, Feb. 2011)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1984 Code, § 4-103, as replaced by Ord. #02211101, Feb. 2011)

12-104. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. The violation of any section of this chapter shall be a penalty under the general penalty provisions of this code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #02211101, Feb. 2011)

¹The current schedule of permit fees is available in the recorder's office.

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Violations.

12-201. Plumbing code adopted. The Standard Plumbing Code,² 1994 edition with 1995/1996 revisions, together with all appendices, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1984 Code, § 4-201, modified)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the board of city commission.

Wherever "Plumbing Official" is named, it shall be deemed to mean such person as the city commission shall have appointed or designated to administer and enforce the provisions of the plumbing code. Sections 102.1, 102.2, 102.3, 103.3, 104, 105, and 106 are hereby deleted. (1984 Code, § 4-202)

12-203. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1984 Code, § 4-203)

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

CHAPTER 3

GAS CODE¹

SECTION

- 12-301. Title and definitions.
- 12-302. Purpose and scope.
- 12-303. Use of existing piping and appliances.
- 12-304. Gas inspector and assistants.
- 12-305. Powers and duties of inspector.
- 12-306. Permits.
- 12-307. Fees.
- 12-308. Violations and penalties.
- 12-309. Nonliability.

12-301. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

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

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

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

(3) "Gas company" means any person distributing natural or liquified petroleum gas within the corporate limits or authorized and proposing to do so.

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1984 Code, § 4-301)

12-302. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall

¹Municipal code reference

Gas system administration: title 19, chapter 2.

conform to the requirements of this chapter and to the Standard Gas Code,¹ 1994 edition with 1996 revisions, together with all appendices, as prepared and adopted by the Southern Building Code Congress International, Inc., which is hereby adopted and incorporated by reference as a part of this code. (1984 Code, § 4-302, modified)

12-303. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1984 Code, § 4-303)

12-304. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city commission. (1984 Code, § 4-305)

12-305. Powers and duties of inspector. (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1984 Code, § 4-306)

12-306. Permits. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1984 Code, § 4-307)

12-307. Fees. The permit fee schedule as recommended in Appendix "B" of the gas code is deleted. The fees to be collected shall be prescribed by the city commission. (1984 Code, § 4-310)

12-308. Violations and penalties. Sections 110 and 113 of the gas code are hereby deleted. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1984 Code, § 4-311)

12-309. Nonliability. This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1984 Code, § 4-312)

CHAPTER 4

HOUSING CODE

SECTION

12-401. Housing code adopted.

12-402. Modifications.

12-403. Violations.

12-401. Housing code adopted. The Standard Housing Code,¹ 1994 edition, together with all appendices, 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. (1984 Code, § 4-401, modified)

12-402. Modifications. Wherever the housing code refers to the "Chief Appointing Authority" it shall be deemed to be a reference to the city commission.

When the "Housing Official" is named, it shall be deemed to mean such person as the city commission shall have appointed or designated to administer and enforce the provisions of the housing code.

Whenever the housing code refers to the "Housing Board of Adjustments and Appeals," it shall be deemed to be a reference to the City Commission of the City of Adamsville.

Sections 102.2, 106.1, and 110 are hereby deleted. (1984 Code, § 4-402)

12-403. 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. (1984 Code, § 4-403)

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

CHAPTER 5

MODEL ENERGY CODE¹

SECTION

- 12-501. Model energy code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violation and penalty.

12-501. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

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

¹State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

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

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

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS

SECTION

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

13-101. Codes enforcement officer. The "codes enforcement officer" shall be such municipal, county, or state officer as the city commission shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1984 Code, § 8-101, modified)

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. (1984 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 without treating it so as effectively to prevent the breeding of mosquitoes. (1984 Code, § 8-106)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1984 Code, § 8-107)

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1984 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1984 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1984 Code, § 8-104)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

13-201. 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. (1984 Code, § 8-111)

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).

CHAPTER 3

SLUM CLEARANCE

SECTION

13-301. Definitions.

13-302. Hazardous or unsightly property to be cleared, cleaned, or abated and dwellings unfit for habitation to be repaired, closed or demolished.

13-303. Procedure for abating unfit dwellings.

13-304. Procedure for abating hazardous or unsightly properties.

13-305. Conditions rendering dwelling unfit for human habitation.

13-306. Conditions rendering property hazardous or unsightly.

13-307. Service of complaints or orders.

13-308. Powers of public officer.

13-309. Chapter confers supplementary powers and procedures.

13-301. Definitions. The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

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

(2) "Governing body" shall mean the Mayor and City Commissioners of the City of Adamsville.

(3) "Hazardous or unsightly property" shall mean grass or weeds above 6 inches in height, abandoned or inoperative automobiles, inoperative appliances and machinery, trash and debris, unusable building materials, discarded materials, habitats which breed vermin and insect vectors, site of public nuisance, sites causing visual and environmental offense, and sites whose condition of maintenance pose a hazard to public health and safety.

(4) "Municipality" shall mean the City of Adamsville.

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

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

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

(8) "Public officer" shall mean the building inspector. He is hereby designated and authorized to exercise the powers prescribed by this chapter and by Tennessee Code Annotated, title 13, chapter 26. (1984 Code, § 8-501)

13-302. Hazardous or unsightly property to be cleared, cleaned, or abated and dwellings unfit for habitation to be repaired, closed or demolished. The City of Adamsville hereby finds that there exists in this municipality, properties which are hazardous or unsightly within the definition described above. Furthermore, there exists dwellings which are unfit for human habitation or use. The City of Adamsville hereby ordains that such properties be cleared, cleaned or abated and that such dwellings or structures shall be repaired, closed or demolished in the manner herein described. (1984 Code, § 8-502)

13-303. Procedure for abating unfit dwellings. (1) 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 dwelling is unfit for human habitation, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the planning commission.

(2) If after such notice and hearing, the planning commission determines that the dwelling or structure under consideration is unfit for human habitation or use, the public officer shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling or structure to render it fit for human habitation or use, or to vacate, close, demolish and remove the dwelling or structure.

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

(4) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sales against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order to decree of such court, provided that nothing in this section shall limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by appropriate proceedings. (1984 Code, § 8-503)

13-304. Procedure for abating hazardous or unsightly properties.

(1) When 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 property is hazardous or unsightly, or whenever it appears to the public officer (on his own motion) that any property is hazardous or unsightly, 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 property a complaint stating the charges in that respect, and that the property shall be cleaned or abated within ____ days after receipt of said complaint.

(2) If after such notice, the owner of or parties in interest may request that the City of Adamsville clean, clear or abate the premises for the amount of the costs incurred by the city for such cleaning, clearing and abating the property and all such bills or charges and payment method shall be set by the city.

(3) Upon the failure, refusal, or neglect of any owner or parties in interest to comply with an order to clean, clear or abate hazardous or unsightly property, the public officer may cause property to be dealt with as required by the order serviced upon said owner or parties in interest. The street department, upon notice from the public officer, is hereby authorized and directed to clean, clear or abate said property and a statement of cost thereof shall be prepared by the office of the city recorder for collection as a special tax.

(4) The amount of the cost of such cleaning, clearing or abating of any hazardous or unsightly property by the public officer shall be a lien against the real property upon which such cost was incurred. All such bills or charges shall bear interest at the rate provided for delinquent taxes. The city recorder may certify or turn over the city attorney for collection of all unpaid or collected bills or charges and the city attorney shall file suit or take other steps as may be necessary for collection. (1984 Code, § 8-504)

13-305. Conditions rendering dwelling unfit for human habitation. The public officer may determine that a dwelling is unfit for human habitation or use if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. (1984 Code, § 8-505)

13-306. Conditions rendering property hazardous or unsightly. The public officer may determine that property is hazardous or unsightly if he finds that conditions exist on such property which are hazardous to the public health and safety of the owners of such property, or owners of adjacent properties; such conditions may include the following (without limiting the generality of the foregoing): junk cars, weeds, grasses, abandoned appliances and machinery, trash, rodents, etc. (1984 Code, § 8-506)

13-307. 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 the effort, 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 municipality, or in the absence of such newspaper, in one printed and published in the county and circulated in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of McNairy County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (1984 Code, § 8-507)

13-308. Powers of public officer. The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the proposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the dwelling or property conditions in the municipality in order to determine which dwellings therein are unfit for human habitation and which properties are hazardous or unsightly;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and power under this chapter to such officers and agents as he may designate. (1984 Code, § 8-508)

13-309. Chapter confers supplementary powers and procedures. Nothing in this chapter shall be construed to abrogate or impair the powers of the courts or of any department of the municipality to enforce any provisions of its charter or other ordinances or regulations, nor to prevent or punish violations thereof, and the powers and procedures prescribed by this chapter shall be in addition and supplemental to the powers conferred by any other law. (1984 Code, § 8-509)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the city commission selected by the city commission; the other six (6) 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 three (3) years each. Of the five (5) members first appointed, two (2) shall be appointed for one (1) year, two (2) for two (2) years, and one (1) for three (3) years so that the terms of two (2) members expires each year. The terms of the mayor and the member selected by the city commission shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1984 Code, § 11-101, modified)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1984 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Adamsville shall be governed by Ordinance #_____, titled "Zoning Ordinance, Adamsville, Tennessee," and any amendments thereto.¹

¹Ordinance #_____, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

CHAPTER 3

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

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

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the City of Adamsville shall be governed by Ordinance #93071202, titled "Adamsville Municipal FloodPlain Zoning Ordinance" and any amendments thereto.¹

¹Ordinance #93071202, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

TITLE 15

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

- 15-112. 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. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Compliance with child passenger restraint law required.
- 15-124. Engine compression braking devices regulated.

15-101. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the City of Adamsville adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-150, and §§ 55-8-152 through 55-8-180. Additionally, the City of Adamsville adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section. (1984 Code, § 9-101, as replaced by Ord. #06201108, June 2011)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1984 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1984 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1984 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the 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. (1984 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1984 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1984 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1984 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

¹Municipal code references

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

Highways,¹ published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1984 Code, § 9-114)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1984 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1984 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1984 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1984 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1984 Code, § 9-120)

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

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1984 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1984 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1984 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1984 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1984 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1984 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the 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. (1984 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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. (1984 Code, § 9-127)

15-123. Compliance with child passenger restraint law required.

(1) Every vehicle operated within the corporate limits that has passengers that fall under Tennessee Code Annotated, § 55-9-602 will be restrained so as to comply with Tennessee Code Annotated, § 55-9-602.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; the officer shall check for compliance with Tennessee Code Annotated, § 55-9-602. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall insure that all children in any and all vehicles were properly restrained.

(3) For the purposes of this section, properly restrained means: Compliance with Tennessee Code Annotated, § 55-9-602.

(4) Civil offence. It is a civil offense to fail to provide proper child restraints pursuant to this section. Any violation of this section is punishable by civil penalty prescribed by this section and shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances. (as added by Ord. #120323, Nov. 2003)

15-124. Engine compression braking devices regulated. (1) All truck tractor and semi-trailers operating within the City of Adamsville shall conform to the visual exhaust system inspection requirements, 40 C.F.R. 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.);

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense. (as added by Ord. #12180612, Dec. 2006)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1984 Code, § 9-102)

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

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1984 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1984 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1984 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. (1984 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1984 Code, § 9-202)

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

When the city commission 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. (1984 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. (1984 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 (1984 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1984 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1984 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1984 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1984 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. At pedestrian control signals.
- 15-509. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1984 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1984 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1984 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk

¹Municipal code reference

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

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. (1984 Code, § 9-405)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1984 Code, § 9-406)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the municipality, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the municipality at intersections which the municipality decides require no right turns on red in the interest of traffic safety.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1984 Code, § 9-407)

15-507. At flashing traffic-control signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the municipality it shall require obedience by vehicular traffic as follows:

(1) 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.

(2) 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. (1984 Code, § 9-408)

15-508. 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 municipality, 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. (1984 Code, § 9-409)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or

otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1984 Code, § 9-410)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of 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 vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1984 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1984 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1984 Code, § 9-503)

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

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
 - (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1984 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1984 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1984 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

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

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1984 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1984 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1984 Code, § 9-603, modified)

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

¹State law reference

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

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 otherwise lawfully disposed of. The fee for impounding a vehicle shall be fifteen dollars (\$15.00) and the storage cost shall be five dollars (\$5.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1984 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. (1984 Code, § 9-605)

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

(2) Parking violations. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his fine shall be five dollars (\$5.00). (1984 Code, § 9-603, modified)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. House and lot numbering system.
- 16-114. Truck traffic restricted on residential streets.
- 16-115. Skateboarding on public streets, sidewalks, etc., prohibited.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1984 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1984 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted.

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1984 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted.

It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city commission after a finding that no hazard will be created by such banner or sign. (1984 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1984 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1984 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. It shall be unlawful to rake leaves into drainage ditches. (1984 Code, § 12-108, modified)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any 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. (1984 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1984 Code, § 12-112)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1984 Code, § 12-113)

16-113. House and lot numbering system. All lots, buildings and structures in the city shall be numbered in accordance with the plan developed and maintained by the MSAG Coordinator for McNairy County. (1984 Code, § 12-114, as replaced by Ord. #0418051, April 2005)

16-114. Truck traffic restricted on residential streets. The City of Adamsville hereby restricts truck traffic on residential streets, except for delivery. When construction requires gravel, sand, cement, etc., these supplies may be delivered via best route. Commercial delivery of inventory, supplies and equipment and the shipment of merchandise from an in city business is also permitted.

The driving on or parking of loaded trucks and/or trailers overnight, on city streets or city property, that weigh over fifteen thousand (15,000) pounds gross weight is prohibited. (as added by Ord. #030402, March 2004)

16-115. Skateboarding on public streets, sidewalks, etc., prohibited. It shall be unlawful for any person to engage in the activity of skateboarding on any public street, alley, avenue, highway, sidewalk, public park or other public property owned by the City of Adamsville. A citation and conviction for any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as added by Ord. #022105-1, Feb. 2005)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; 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. (1984 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1984 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1984 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the 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. (1984 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1984 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the 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. (1984 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder 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. (1984 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. (1984 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. (1984 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. (1984 Code, § 12-210)

TITLE 17

REFUSE AND TRASH DISPOSAL¹CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection; fees and charges.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1984 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the municipality are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1984 Code, § 8-202)

17-103. 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. (1984 Code, § 8-203, modified)

17-104. Location of containers. Where alleys are used by the municipal refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the municipal refuse collectors, containers shall be placed adjacent to and

¹Municipal code reference
Property maintenance regulations: title 13.

back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the 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. (1984 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1984 Code, § 8-205)

17-106. Collection; fees and charges. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city commission shall designate. Collections shall be made regularly in accordance with an announced schedule and subject to such fees and charges as the city commission may prescribe. (1984 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1984 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city commission is expressly prohibited. (1984 Code, § 8-208)

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.
3. SEWER USE ORDINANCE.
4. USER CHARGE SYSTEM.
5. SEWAGE AND HUMAN EXCRETA DISPOSAL.
6. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Service connections and tap fees.
- 18-107. Water and sewer main extensions.
- 18-108. Water and sewer main extension variances.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Multiple services through a single meter.
- 18-112. Billing.
- 18-113. Discontinuance or refusal of service.
- 18-114. Re-connection charge.
- 18-115. Termination of service by customer.
- 18-116. Access to customers' premises.
- 18-117. Inspections.
- 18-118. Customer's responsibility for system's property.
- 18-119. Customer's responsibility for violations.
- 18-120. Supply and resale of water.
- 18-121. Unauthorized use of or interference with water supply.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-122. Limited use of unmetered private fire line.
- 18-123. Damages to property due to water pressure.
- 18-124. Liability for cutoff failures.
- 18-125. Restricted use of water.
- 18-126. Interruption of service.
- 18-127. Schedule of rates.

18-101. 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. (1984 Code, § 13-101)

18-102. 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) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water 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. (1984 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1984 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a 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. (1984 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1984 Code, § 13-105)

18-106. Service connections and tap fees. Service lines will be laid by the municipality from its mains to the property line at the expense of the city. The location of such lines will be determined by the municipality.

Before a new water or sewer service line will be laid by the municipality, the applicant shall pay such tap fee as may have been prescribed by the city commission.

When a service line is completed, the municipality 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 (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1984 Code, § 13-106)

18-107. 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 cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the governing body), 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 city commission) 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 city commission 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. (1984 Code, § 13-108)

18-108. Water and sewer main extension variances. Whenever the city commission 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 city commission.

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. (1984 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

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 municipality. 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. (1984 Code, § 13-110)

18-110. Meter tests. The municipality 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:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality 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:

Meter Size	Test Charge
5/8", 3/4", 1"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1984 Code, § 13-111)

18-111. 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 municipality.

Where the municipality 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 municipality'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. (1984 Code, § 13-113)

18-112. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

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 discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the 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. (1984 Code, § 13-114)

18-113. Discontinuance or refusal of service. 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.

The right to discontinue service shall apply to all services received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the 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.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to

testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1984 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of five dollars (\$5.00) shall be collected by the municipality before service is restored. (1984 Code, § 13-116)

18-115. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the 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 the ten (10) day period.

(2) During the ten (10) day period, 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. (1984 Code, § 13-117)

18-116. 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. (1984 Code, § 13-118)

18-117. 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. (1984 Code, § 13-119)

18-118. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the 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. (1984 Code, § 13-120)

18-119. 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. (1984 Code, § 13-121)

18-120. 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. (1984 Code, § 13-122)

18-121. 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. (1984 Code, § 13-123)

18-122. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the 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.

In addition, all hydrants not capable of producing a flow of 500 GPM while providing a minimum residual pressure of 20 PSI at all points along the line shall be painted yellow. Pumper type fire trucks shall not be allowed to connect to any hydrant which is unable to produce a flow of 500 GPM while maintaining a minimum residual pressure of 20 PSI at all points along the line. (1984 Code, § 13-124)

18-123. 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. (1984 Code, § 13-125)

18-124. 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 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. (1984 Code, § 13-126)

18-125. Restricted use of water. 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. (1984 Code, § 13-127)

18-126. 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. (1984 Code, § 13-128)

18-127. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (1984 Code, § 13-112)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "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° C. expressed in milligrams per liter.

(2) "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 (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "may" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the municipality, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1984 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality, and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1984 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1984 Code, § 13-203)

18-204. Building sewers and connections. (1) 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.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer

from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) 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 all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.

(12) Sanitary sewer grinder pump requirements:

(a) Low pressure sewer system. Any residence requiring a grinder pump to connect to a City of Adamsville low pressure sewer main shall install a semi-positive displacement type pump, directly driven by a one (1) horsepower motor, and capable of delivering a minimum of nine (9) gpm at one hundred thirty-eight feet (138') TDH. Pump shall be as

manufactured by Environment/One, model 2010, or approved equal. (See copy of specifications attached hereto.)¹

Any commercial, industrial or public building requiring a grinder pump to connect to a City of Adamsville low pressure sewer main must submit specifications of their proposed pump and required appurtenances to the City of Adamsville Utility Director for approval before connecting to the city system.

(b) Gravity sewer system. Any residence requiring a grinder pump to connect to a City of Adamsville gravity sewer main shall install a semi-positive displacement type pump, directly driven, and capable of delivering a minimum of nine (9) gpm at a minimum of three (3) times the elevation change between the pump location and the receiving gravity sewer main.

Any commercial, industrial, or public building requiring a grinder pump to connect to a City of Adamsville gravity sewer main must submit specifications of their proposed pump and appurtenances to the City of Adamsville Utility Director for approval before connecting to the city system. (1984 Code, § 13-204, as amended by Ord. #03190701, March 2007)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

¹Specifications are available in the office of the city recorder.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150°)F (65°)C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment

of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharges to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, (above 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) in this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject

to the review and approval of the superintendent, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by the industrial concern. (1984 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1984 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in the preceding subsection, the superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipality employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repairing, and maintenance any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1984 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the municipality with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in the preceding subsection shall be guilty of a misdemeanor, and on conviction thereof may be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation. (1984 Code, § 13-208)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Abbreviations.
- 18-304. General discharge prohibitions.
- 18-305. Categorical pretreatment standards.
- 18-306. Modification of categorical pretreatment standards.
- 18-307. Wastewater discharge limitations.
- 18-308. Criteria to protect the POTW treatment plant influent.
- 18-309. State requirements.
- 18-310. Town's right of revision.
- 18-311. Excessive discharge.
- 18-312. Accidental discharge.
- 18-313. Connection to public sewers.
- 18-314. Prohibitions on storm drainage and ground water.
- 18-315. Unpolluted water.
- 18-316. Limitations on the use of garbage grinders.
- 18-317. Limitations on point of discharge.
- 18-318. Septic tank pumping, hauling, and discharge.
- 18-319. Holding tank waste.
- 18-320. On-site private wastewater disposal facilities.
- 18-321. Regulation of oil and grease discharge from commercial kitchens.
- 18-322. Fees.
- 18-323. Administration.
- 18-324. Enforcement.

18-301. Purpose and policy. (1) This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the Town of Adamsville, hereinafter known as the town, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1972, as amended, the Tennessee Water Quality Control Act of 1977, as amended, and the U.S. Environmental Protection Agency General Pretreatment Regulations found at 40 C.F.R., part 403.

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately

treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.

(2) This ordinance provides for the regulation of contributors to the municipal wastewater system through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires reporting by users, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(3) This ordinance shall apply to the town and to persons outside the town who are, by contract or agreement with the town, users of the town's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the control authority shall administer, implement and enforce the provisions of this ordinance. (1984 Code, § 13-2A01(1), as replaced by Ord. #2001-02110, July 2001)

18-302. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 U.S.C. 1251, et seq.; as amended by PL 95-217, December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983; and PL 100-04, February 4, 1987.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation or his authorized representative.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

(4) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(5) "Carbonaceous Biochemical Oxygen Demand (CBOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 C.F.R. part 136, method 405.1 including the use of a nitrification inhibitor.

(6) "Categorical pretreatment standards." Limitations on pollutant discharges to POTWs promulgated by EPA in accordance with section 307 of the Act that apply to specified process wastewaters of particular industrial categories defined at 40 C.F.R. part 403.6 and at 40 C.F.R. chapter I, subchapter N.

(7) "Categorical industrial user." An industrial user subject to categorical standards.

(8) "Chronic violation." The term used to describe violations of an industrial wastewater discharge permit when the limit for any one (1) parameter listed in the permit is exceeded by any magnitude for sixty-six percent (66%) or more of the total industrial self-monitoring events, plus control authority compliance monitoring events in the six (6) month period covered by the semi-annual report required by the approval authority.

(9) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority." The Public Works Director of the Town of Adamsville.

(11) "Conventional pollutants." Wastewater characteristics including Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), fecal coliform bacteria, free oil and grease, and pH as defined at 40 C.F.R. part 401.16; and ammonia reported as nitrogen ($\text{NH}_3\text{-N}$) and organic nitrogen.

(12) "Daily maximum limit." The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(13) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(14) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(15) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(16) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(17) "Indirect discharge." The discharge or the introduction of pollutants from any source regulated under section 307(b)(c) or (d) of the Act into the POTW (including holding tank waste discharged into the POTW).

(18) "Industrial user." A source of nondomestic wastewater. Any nondomestic source discharging pollutants to the POTW.

(19) "Instantaneous maximum limit." The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the wastewater flow rate and the duration of the sampling event.

(20) "Interference." A 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 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 Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(21) "National pretreatment standard" or "pretreatment standard." Any regulation promulgated by the EPA in accordance with section 307(b) and (c) of the Act which applies to the specific category of industrial users and provides limitations on the introduction of pollutants into POTWs. This term includes the prohibited discharge limits found at 40 C.F.R. part 403.5, including local limits.

(22) "National prohibited discharges." Prohibitions applicable to all users regarding the introduction of pollutants into POTWs set forth at 40 C.F.R. part 403.5.

(23) "New source." Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed national pretreatment standards promulgated 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:

(a) The building, structure, facility or installation is construction at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of any 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 will be considered.

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 subsections (b) or (c) of this section (23) hereinbefore, but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under § 18-302(23) has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(b) 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 § 18-302(23).

(24) "National Pollution Discharge Elimination System (NPDES) permit." A permit issued pursuant to section 402 of the Act.

(25) "North American Industrial Classification System (NAICS)." A classification pursuant to the North American Industry Classification System issued by the Executive Office of the President, Office of Management and Budget, 1997.

(26) "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.

(27) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution measured using the standard procedure defined at 40 C.F.R. part 136, method 150.1.

(28) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(29) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(30) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(31) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

(32) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act, which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(33) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(34) "Shall" is mandatory; "may" is permissive.

(35) "Significant industrial user." Any user of the POTW who:

(a) Is subject to categorical pretreatment standards; or
(b) Has a process wastewater discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or

(c) Has a flow or loading of conventional pollutants greater than five percent (5%) of the total flow or total conventional pollutant loading to the POTW treatment plant; or

(d) Is found by the control authority, approval authority or the EPA to have a reasonable potential for significant adverse impact, either singly or in combination with other contributing industries on the POTW treatment plant, the quality of sewage sludge, the POTW effluent quality, or air emissions generated by the POTW treatment plant.

(36) "Significant Noncompliance (SNC)." Any violation of pretreatment requirements (limits, sampling, analysis, reporting, compliance schedules and regulatory) which meet one (1) or more of the following criteria:

(a) Violations of wastewater discharge units including:

(i) Chronic violations;

(ii) Technical Review Criteria (TRC) violations;

(iii) Any other violation(s) of an effluent limit that the control authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge as defined at 40 C.F.R. part 403.8(f)(1)(vi)(B).

(b) Violations of compliance schedule milestones, contained in an enforcement order, for starting construction, completing construction and attaining final compliance by ninety (90) days or more after the schedule date.

(c) Failure to provide reports for compliance schedules, self-monitoring data or as required for categorical industrial users (baseline monitoring reports, ninety (90) day compliance reports and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(37) "State." State of Tennessee.

(38) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(39) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, measured using the standard procedure defined at 40 C.F.R. part 136, method 160.3.

(40) "Technical Review Criteria (TRC) violation." The term used to describe violations of an industrial wastewater discharge permit when:

(a) The limit for carbonaceous biochemical oxygen demand, suspended solids, ammonia reported as nitrogen, or free oil and grease are exceeded by one hundred forty percent (140%) for thirty-three percent (33%) or more of the total industrial self-monitoring events, plus control authority compliance monitoring events, in the six (6) month period covered by the semi-annual report required by the approval authority.

(b) The limit for any other pollutant is exceeded by one hundred twenty percent (120%) for thirty-three percent (33%) or more of the total significant industrial user self-monitoring events, plus total control authority compliance monitoring events, in the six (6) month period covered by the semi-annual report required by the approval authority.

(41) "Town." The Town of Adamsville, Tennessee.

(42) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act.

(43) "User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

(44) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(45) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within,

flow through, or border upon the state or any portion thereof. (1984 Code, § 13-2A01(2), as replaced by Ord. #2001-02110, July 2001)

18-303. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand (five day)
CBOD	Carbonaceous Biochemical Oxygen Demand (five day)
C.F.R.	<u>Code of Federal Regulations</u>
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NAICS	North American Industrial Classification System
NH ₃ -N	Ammonia reported as nitrogen
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et seq.</u>
TSS	Total Suspended Solids
U.S.C.	<u>United States Code</u>

(1984 Code, § 13-2A01(3), as replaced by Ord. #2001-02110, July 2001)

18-304. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge into the POTW (or at any point in the POTW), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

(2) Solid or viscous substances in a quantity or concentration which causes obstruction to the flow in a sewer or interference with the operation of the POTW treatment plant such as, but not limited to, vegetable and mineral oils, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains,

spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any POTW treatment plant process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residue, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with the sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) C (one hundred four degrees [104°] F) unless the POTW is designed to accommodate such temperature.

(10) Any pollutants, including the oxygen demanding pollutants CBOD, COD, and NH₃-N released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the control authority in compliance with applicable state or federal regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the control authority determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the control authority shall advise the user of the impact of the contribution on the POTW and develop effluent limitations for such user to correct the interference with the POTW. (1984 Code, § 13-2A02(1), as replaced by Ord. #2001-02110, July 2001)

18-305. Categorical pretreatment standards. Upon the promulgation of categorical pretreatment standards for a particular industrial category, the categorical pretreatment standard, if more stringent than limitations listed in § 18-307(2) of this ordinance for sources in that category, shall immediately supersede the limitations listed in § 18-307(2) of this ordinance. The control authority shall notify the affected significant industrial users of the applicable reporting requirements found at 40 C.F.R., part 403.12. (1984 Code, § 13-2A02(2), as replaced by Ord. #2001-02110, July 2001)

18-306. Modification of categorical pretreatment standards. If the POTW treatment plant achieves consistent removal of pollutants limited by categorical pretreatment standards, the town may apply to the approval authority for modification of specific limits in the categorical pretreatment standards. "Consistent removal" shall mean the reduction in the amount of a pollutant which is achieved by the POTW treatment plant as established by the average of the lowest fifty percent (50%) of the removals measured when measured according to the procedures set forth at 40 C.F.R. part 403.7(b)(2). The town may then modify pollutant discharge limits established by categorical pretreatment standards if the requirements listed in 40 C.F.R., part 403.7 are fulfilled and prior approval from the approval authority is obtained. (1984 Code, § 13-2A02(3), as replaced by Ord. #2001-02110, July 2001)

18-307. Wastewater discharge limitations. No user shall discharge wastewater containing in excess of the concentration listed for each of the following pollutants unless:

(1) An exception has been granted the user by the control authority;
or

(2) The discharge permit of the user provides as a special permit condition 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>	<u>Daily Average* Maximum Concentration (mg/l)</u>	<u>Monthly Avg. Maximum Concentration (mg/l)</u>
Arsenic	1.084	0.542
Cadmium	0.218	0.109
Chromium	3.798	1.899
Copper	2.208	1.104
Cyanide	2.790	1.395
Lead	0.648	0.324
Mercury	0.0008	0.0004
Nickel	2.844	1.422
Silver	0.130	0.065
Zinc	5.908	2.954
Benzene	0.088	0.044
Carbon tetrachloride	0.164	0.082
Chloroform	0.926	0.463
1,2 transdichloroethylene	0.130	0.065
Ethylbenzene	0.186	0.093
Methylene chloride	0.546	0.273
Napthalene	0.066	0.033
Total phenols	1.946	0.973
Total phthalates	4.676	2.338
Tetrachloroethylene	0.272	0.136
Toluene	0.588	0.294
1,1,1 Trichloroethane	3.618	1.809
Trichloroethylene	0.110	0.055

*Based on 24-hour flow proportional composite samples.

Sampling for all pollutants listed shall be conducted in accordance with the requirements found at 40 C.F.R. part 403.12(b)(5). Analysis for all pollutants listed hereinbefore shall be conducted in accordance with the requirements found at 40 C.F.R. part 136. (1984 Code, § 13-2A02(4), as replaced by Ord. #2001-02110, July 2001)

18-308. Criteria to protect the POTW treatment plant influent.

(1) General. The town shall monitor the influent to the POTW Treatment plant for each parameter listed hereinafter. In the event that the influent to the POTW treatment plant reaches or exceeds the concentration values for any parameter listed hereinafter, the control authority shall initiate technical studies to determine the cause of the exceedance, and shall recommend to the town council such remedial measures as are necessary, included, but not limited to recommending the establishment of new or revised wastewater discharge limitations for these parameters. The control authority shall also recommend changes to any of these criteria in the event the POTW treatment plant effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

<u>Parameter</u>	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
CBOD	120	240
TSS	140	280
NH ₃ -N	15	30
Free oil and grease	100	200
Arsenic	0.100	0.200
Cadmium	0.020	0.040
Chromium	0.353	0.706
Copper	0.205	0.410
Cyanide	0.258	0.516
Lead	0.063	0.126
Mercury	0.0001	0.0002

<u>Parameter</u>	Maximum Concentration in 24 Hour Flow Proportional Composite Sample (mg/l)	Maximum Instantaneous Concentration in Grab Sample (mg/l)
Nickel	0.265	0.530
Silver	0.012	0.024
Zinc	0.588	1.176
Benzene	0.008	0.016
Carbon tetrachloride	0.015	0.030
Chloroform	0.085	0.170
1,2 transdichloroethylene	0.012	0.024
Ethylbenzene	0.017	0.034
Methylene chloride	0.050	0.100
Napthalene	0.006	0.012
Total phenols	0.179	0.358
Total phthalates	0.430	0.860
Tetrachloroethylene	0.025	0.050
Toluene	0.054	0.108
1,1,1 trichloroethane	0.333	0.666
Trichloroethylene	0.010	0.020

(2) Conventional pollutants. (a) CBOD, TSS and NH₃-N. The POTW treatment plant has a capacity to treat specific waste load concentrations and mass amounts of the conventional pollutants Carbonaceous Biochemical Oxygen Demand (CBOD), Suspended Solids (TSS), and ammonia nitrogen (NH₃-N). If a user discharges concentrations of these conventional pollutants in excess of the concentration values listed as criteria to protect the POTW treatment plant influent in § 18-308(1) of this ordinance, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for any of the conventional pollutants

CBOD, TSS, and/or $\text{NH}_3\text{-N}$ may be subject to a surcharge. The formula for calculation of this surcharge is listed in § 18-322(4) of this ordinance. The town also reserves the right to, at any time, place specific mass or concentration limits for CBOD, TSS and/or $\text{NH}_3\text{-N}$ on the discharge by a user if the user's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(b) Free oil and grease. Oil and grease loadings were not taken into account in the design of the POTW treatment plant; however, oil and grease are regulated under this ordinance as conventional pollutants. "Free" and "Emulsified" oil and grease shall be differentiated based on the following procedure. One (1) aliquot of sample shall be extracted with n-hexane in accordance with the procedures established at 40 C.F.R. part 136, method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered "Free" oil and grease. A second aliquot of sample shall be prepared in accordance with the procedures established at 40 C.F.R. part 136, method 1664 including the adding of acid and heating until any emulsion breaks prior to the extraction. The sample shall then be extracted with n-hexane in accordance with the procedures established at 40 C.F.R. part 136, method 1664. The result of this analysis will be considered "Total" oil and grease. "Emulsified" oil and grease will be considered the arithmetic difference between "Total" and "Free" oil and grease.

If a user discharges concentrations of "Free" oil and grease in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for "Free" oil and grease, added operation and maintenance costs may be incurred by the POTW. Therefore, any user who discharges concentrations in excess of the criteria to protect the POTW treatment plant influent listed in § 18-308(1) of this ordinance for "Free" oil and grease may be subject to a surcharge. The formula for this surcharge is listed in § 18-322 of this ordinance. The town also reserves the right to, at any time, place specific mass or concentration limits for "Free" oil and grease on the discharge by a user if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit. (1984 Code, § 13-2A02(5), as replaced by Ord. #2001-02110, July 2001)

18-309. State requirements. State requirements and limitations on discharges by users shall apply in any case where they are more stringent than EPA requirements and limitations or those listed in § 18-307(2) of this ordinance. (1984 Code, § 13-2A02(6), as replaced by Ord. #2001-02110, July 2001)

18-310. Town's right of revision. The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 18-301(1) of this ordinance. (1984 Code, § 13-2A02(7), as replaced by Ord. #2001-02110, July 2001)

18-311. Excessive discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other pollutant-specific limitation developed by the state or listed in § 18-307(2) of this ordinance. Mixing of waste streams may be an acceptable means of complying with some of the prohibitions set forth in § 18-304 of this ordinance, including pH prohibition. (1984 Code, § 13-2A02(8), as replaced by Ord. #2001-02110, July 2001)

18-312. Accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the control authority for review and shall be approved by the control authority before construction of the facility. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the control authority. 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 ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the control authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The user shall sample and analyze for those parameters for which limitations were violated within forty-eight (48) hours after discovery of the accidental discharge and report the results of the sample analysis to the control authority.

Within five (5) days following an accidental discharge, the user shall submit to the control authority a detailed written report describing the cause of the discharge and the measures to be taken by the 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 ordinance or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge of prohibited materials or other substances regulated by this ordinance. Users shall insure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure. (1984 Code, § 13-2A03, as replaced by Ord. #2001-02110, July 2001)

18-313. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the town, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) Except as provided in § 18-313(1)(e) of this ordinance, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred feet (200') of the owner's property.

(e) The owner of a manufacturing facility may discharge wastewater directly to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Act, the NPDES permit and any other applicable local, state or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of § 18-313(1)(d) of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of state laws and regulations governing private sewage disposal systems.

(2) Physical connection public sewer. (a) Person(s) shall not 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 control authority as required in § 18-323 of this ordinance.

(b) All costs and expenses incident to the installation, connection and inspection of building sewers shall be borne by the user.

The user shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(d) Old building sewers may be used in connection with a new building only when they meet all requirements of this ordinance. All others must be replaced in accordance with the requirements of this ordinance.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer for connection of residential users to the POTW shall be four inches (4").

(ii) The minimum size of a building sewer for connection of commercial, institutional and industrial users to the POTW shall be six inches (6").

(iii) The minimum depth of cover above a building sewer shall be eighteen inches (18").

(iv) Four inch (4") building sewers shall be laid on a grade greater than one-fourth inch (1/4") per foot. Six inch (6") building sewers shall be laid on a grade greater than one-eighth inch (1/8") per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least three feet (3.0') per second.

(v) Slope and alignment of all building sewers shall be neat and regular.

(vi) Building sewers shall be constructed only of ductile iron pipe with rubber compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints or glued joints be acceptable.

(vii) Cleanouts shall be located on building sewers as follows: one (1) located five feet (5') outside of the building, one (1) at the connection onto the POTW collector sewer line and one (1) at each change of direction of the building sewer which is greater than forty-five degrees (45°). Additional cleanouts shall be placed not more than seventy-five feet (75') apart in horizontal building sewers of four inch (4") nominal diameter and not more than one hundred feet (100') apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and

forty-five degree (45°) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(viii) Connections of building sewers to the POTW system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building sewers shall be made by either removing a length of existing POTW sewer pipe and replacing it with a wye or tee fitting or by cutting a clean opening in the existing POTW sewer line and installing a tee-saddle or tee-insert of a type approved by the control authority. All such connections shall be made gastight and watertight.

(ix) The building sewer may be brought into the building below the basement floor when the building sewer can be constructed at the grade required in § 18-313(2)(e)(iv) of this ordinance from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the user. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a grinder pump furnished and installed by the town and discharged to the building sewer. Power to operate the grinder pump shall be provided by and at the expense of the user.

(x) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in ASTM Standard D2321 and Water Environment Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the control authority before installation.

(xi) All installed building sewers shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(g) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources

of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The connection of the building sewer to the public sewer and all building sewers from the building to the public sewer main line shall be inspected by the control authority or his authorized representative before the underground portion is covered.

(b) The applicant for discharge shall notify the control authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the control authority or his representative.

(4) Maintenance of building sewers. Each user shall be entirely responsible for the maintenance of the building sewer located on the user's property to insure that the building sewer remains watertight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the control authority to meet the requirements of this ordinance. If, upon smoke testing or visual inspection by the control authority, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or ground water entry into the POTW are identified on building sewers on the user's property, the control authority may notify the user in writing of the nature of the problem(s) identified on the user's building sewer and the specific steps required to bring the building sewer within the requirements of this ordinance. All steps necessary to comply with this ordinance must be complete within sixty (60) days from the date of the written notice and entirely at the expense of the user. (1984 Code, § 13-2A04, as replaced by Ord. #2001-02110, July 2001)

18-314. Prohibitions on storm drainage and ground water.

Stormwater, ground water, rainwater, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage if unpolluted shall not be discharged to the POTW. (1984 Code, § 13-2A05, as replaced by Ord. #2001-02110, July 2001)

18-315. Unpolluted water.

Unpolluted water, including, but not limited to non-contact cooling water, shall not be discharged to the POTW unless such discharge is permitted by the user's wastewater discharge permit. (1984 Code, § 13-2A06, as replaced by Ord. #2001-02110, July 2001)

18-316. Limitations on the use of garbage grinders.

Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewers. Garbage grinders shall not be used

for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences. (as added by Ord. #2001-02110, July 2001)

18-317. Limitations on point of discharge. No person shall discharge any substance directly into a manhole or other opening in a POTW sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the control authority. The control authority shall incorporate in such temporary permit such conditions as he deems reasonably necessary to insure compliance with the provisions of this chapter and the user shall be required to pay applicable charges and fees therefor. (as added by Ord. #2001-02110, July 2001)

18-318. Septic tank pumping, hauling, and discharge. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the control authority. All applicants for a truck discharge operation permit shall complete such forms as required by the control authority, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the control authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance provided that such permit shall be subject to revocation by the control authority for violation of any provision of this chapter or reasonable regulation established by the control authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The control authority shall designate the locations and times where trucks hauling septic tank pumpage may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The charge for disposal of wastewater or sludge removed from septic tanks into the POTW shall be determined on a volume basis by the control authority. (as added by Ord. #2001-02110, July 2001)

18-319. Holding tank waste. No person shall discharge any holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the control authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the control authority. Provided, however, no

permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (as added by Ord. #2001-02110, July 2001)

18-320. On-site private wastewater disposal facilities. Persons shall not discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be property operated and maintained by the owner of the property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities within the service area of the town shall be in accordance with state requirements. (as added by Ord. #2001-02110, July 2001)

18-321. Regulation of oil and grease discharge from commercial kitchens. Oil and grease discharge from commercial kitchens shall be subject to the following rules and regulations:

(1) **Applicability and schedule for compliance.** All existing and new establishments with commercial kitchens including restaurants, hospitals, schools, nursing homes, and grocery and convenience stores shall install and maintain oil and grease interceptor tanks in accordance with the provisions of § 18-321 of this chapter. All new establishments subject to the requirements of this section shall provide evidence in the form of oil and grease interceptor tank construction drawings, plumbing drawings, and projected oil and grease laden flows to the control authority that all provisions of this section will be met prior to issuance by the control authority of a permit to connect any drain lines from the establishment to the POTW. All existing establishments subject to the requirements of this section shall construct any necessary plumbing modifications and install oil and grease interceptor tanks in strict compliance with all provisions of this section or, at the discretion of the control authority, provide a report prepared by an engineer registered by the state describing what existing conditions prevent strict compliance with all provisions of this section and recommendations for plumbing modifications and/or installation of oil and grease interceptor tanks that will provide compliance with the intentions of this section all in a form acceptable to the control authority. All existing establishments subject to the requirements of this section shall construct all plumbing modifications and/or install oil and grease interceptor tanks in strict compliance with the requirements of this section or as approved by the manager within one hundred eighty (180) days following the adoption of the ordinance comprising this chapter.

(2) **Waste lines connected to oil and grease interceptor tanks.** The drain lines from the pre-rinse sink, pot sink and floor drains shall be connected to the oil and grease interceptor tank. Drain lines from dishwashers and garbage grinders may be connected to the oil and grease interceptor tank,

provided that the oil and grease interceptor tank is sized for use in conjunction with the discharge from dishwashers and/or garbage grinders. The building sewer draining the oil and grease interceptor tank may be separate from the building sewer draining waste lines from sources prohibited from connection to the oil and grease interceptor tank.

(3) Waste lines prohibited from connection to oil and grease interceptor tanks. Sanitary drains from bathrooms, utility sinks, water closets, showers, lavatories, urinals, and floor drains in spaces other than commercial kitchens in new establishments subject to the requirements of § 18-321 of this chapter shall not be connected to oil and grease interceptor tanks. Any drain line transporting stormwater shall not be connected to oil and grease interceptor tanks.

(4) Oil and grease interceptor tank design criteria. Oil and grease interceptor tanks shall have a one thousand (1,000) gallon minimum volume and a minimum of two (2) compartments separated by a baffle. Standard one thousand (1,000) gallon precast concrete septic tanks are acceptable as oil and grease interceptor tanks. Precast concrete septic tanks used as oil and grease interceptor tanks or field-constructed oil and grease interceptor tanks shall be designed in accordance with Rules of the Department of Environment and Conservation, chapter 1200-1-6, "Regulations to Govern Subsurface Sewage Disposal Systems."

All existing establishments with commercial kitchens shall install a one thousand (1,000) gallon oil and grease interceptor tank unless a waiver is granted by the control authority.

All new establishments with commercial kitchens shall install oil and grease interceptor tanks in accordance with the following requirements. New restaurants utilizing disposable tableware as their sole type of tableware shall install a one thousand (1,000) gallon oil and grease interceptor tank. All other new establishments with commercial kitchens shall install oil and grease interceptor tanks with volume calculated utilizing the following formula:

$$V = N \times G \times S \times H \times LF$$

Where:

V	=	Oil and grease interceptor tank total volume expressed in gallons.
N	=	Number of seats in dining area for restaurants.
	=	Number of meals served per day for hospital, nursing home and schools.
G	=	Wastewater produced per meal expressed in gallons.
	=	5.0 for restaurant..
	=	4.5 for hospitals, nursing homes and schools.
S	=	Storage capacity factor (dimensionless) = 1.7

- H = Number of hours per day open for business for restaurants
2.5 for hospitals, nursing homes and schools.
- LF = Load Factor
- = 1.25 if dishwasher and garbage grinder are connected to the oil and grease interceptor.
- = 1.00 if dishwasher but not garbage grinder is connected to the oil and grease interceptor.
- = 0.75 if the garbage grinder but not the dishwasher is connected to the oil and grease interceptor.
- = 0.50 if neither the dishwasher nor garbage grinder are connected to the oil and grease interceptor.

When the calculated volume for an oil and grease interceptor tank exceeds one thousand (1,000) gallons, multiple one thousand (1,000) gallon precast concrete septic tank units piped in series or a large field-constructed concrete tank with a baffle separating it into two (2) compartments may be used. Oil and grease interceptor tanks shall be buried with access provided to all compartments for cleaning and inspection. Each compartment shall be fitted with a hatch sized and located to allow the visual determination of the thickness of the oil and grease layer in each compartment. Oil and grease interceptor tanks shall be placed in a location between the commercial kitchen and POTW sewer collector line that is easily accessible for inspection, cleaning and maintenance.

(5) Oil and grease discharge management. Oil and grease interceptor tanks shall be thoroughly cleaned when the layer of oil and grease on top of the liquid in the tank reaches a depth which allows coalesced oil and grease to escape from the tank. All oil and grease interceptor tanks shall be cleaned at intervals established by the control authority, but no less than once every three (3) months. Users utilizing oil and grease interceptor tanks shall obtain written and dated certification from the company cleaning the tank that the tank was completely cleaned, and the user shall maintain these certifications on file for three (3) years.

All waste oil and grease from frying operations shall be collected in appropriate containers and removed from the establishment by a rendering company or waste oil and grease recovery company. Pouring oil or liquefied grease down a drain in a commercial kitchen is prohibited. Installation of an automatic enzyme or bacterial additive feeding system prior to oil and grease interceptor tanks may be required by the control authority. (as added by Ord. #2001-02110, July 2001)

18-322. Fees. (1) Purpose. It is the purpose of this chapter to provide for the recovery of costs associated with operation, maintenance, administration, debt service and depreciation of the POTW from users of the POTW system. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(2) Charges and fees. The town may adopt charges and fees which may include:

- (a) Charges to users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW;
- (b) Fees for monitoring, inspections, and surveillance procedures associated with significant industrial users;
- (c) Fees for reviewing accidental discharge procedures and construction plans and specifications for significant industrial users;
- (d) Fees for permit applications;
- (e) Fees for inspection of building sewer connections;
- (f) Fees for filing appeals of enforcement actions taken by the town;
- (g) Fees for treating conventional pollutants discharged to the POTW by users with strengths in excess of the design capacity of the POTW treatment plant for individual conventional pollutants;
- (h) Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
- (i) Fees for disposal of septic tank and holding tank wastewater and sludge; and
- (j) 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 ordinance and are separate from all other fees chargeable by the town.

(3) User charge system. The control authority will establish a schedule of charges and fees which will generate annual revenues sufficient to maintain compliance with the requirements of the Tennessee Code Annotated, § 66-221-1010, as amended, as it relates to publicly owned wastewater systems.

(4) Surcharge fees. If a user discharges in excess of the criteria to protect the POTW treatment plant influent set out for the conventional pollutants CBOD, TSS, NH₃-N, and/or free oil and grease in § 18-308(a) of this chapter, additional operation and maintenance costs may be incurred by the town. Therefore, any user who discharges in excess of the limits for any of these parameters may be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

$$\left[\begin{array}{c} \text{Base} \\ \text{Sewer} \\ \text{Bill for} \\ \text{Monthly} \\ \text{Usage} \end{array} \right] \times \begin{array}{c} \text{Actual Monthly Average of} \\ \text{Parameter Concentration (mg/l)} \\ \text{24-Hour Flow Proportional} \\ \text{Composite Sample Criteria} \\ \text{to Protect the POTW Treatment} \\ \text{Plant Influent} \end{array} - \begin{array}{c} \text{Base} \\ \text{Sewer} \\ \text{Bill for} \\ \text{Monthly} \\ \text{Usage} \end{array}$$

The town also reserves the right to, at any time, place mass or concentration limits which may not be exceeded on the user's discharge of conventional pollutants if the user's discharge of excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

As an alternate to this formula, the town may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (as added by Ord. #2001-02110, July 2001)

18-323. Administration. (1) Wastewater discharge permits. There shall be two (2) classes of building sewer permits:

(a) For connection of residential, commercial and institutional users to the POTW; and

(b) For connection of industrial users to the POTW.

In either case, the owner of the facility or residence wishing to connect a building sewer to the POTW or his agent shall make application on a special form furnished by the control authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee shall be paid to the city at the time the application is filed as set out in the town's schedule of charges and fees.

(2) Residential, commercial and institutional wastewater discharge permits. All new non-industrial users which generate only domestic wastewater shall make application to the control authority for written authorization to connect a building sewer and discharge wastewater to the POTW system. Applications shall be required from all new non-industrial users, as well as for any existing non-industrial user desiring additional service. Discharge of domestic wastewater to the POTW shall not be made until the application is received and approved by the control authority, the building sewer is installed in accordance with § 18-313 of this chapter, and an inspection has been performed by the control authority or his representative.

The receipt by the control authority of a prospective user's application for service shall not obligate the town to render the service. If the service applied for cannot be supplied in accordance with this ordinance and the town's rules and regulations and general practices, the permit and inspection fee will be refunded in full, and there shall be no liability of the town to the applicant for such service.

(3) Industrial wastewater discharge permits. (a) General. All existing industrial users shall submit a completed wastewater survey for nonresidential establishments within ninety (90) days after the effective date of the ordinance comprising this chapter. All new industrial users shall submit an application for wastewater discharge permit as described hereinafter prior to connection of their building sewer to the POTW. The control authority will determine from information supplied in this survey or application, and any other information requested, if the industrial user

is a significant industrial user. If the industrial user is determined to be a significant industrial user, the significant industrial user shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW. If the industrial user is determined not to be a significant industrial user, the industrial user shall obtain a permit to discharge only domestic wastewater in accordance with the procedures described in § 18-323(2) of this chapter.

(b) Certification. All applications, reports, etc., submitted by an industrial user must include the certification that is found at 40 C.F.R. 403.6(a)(2)(ii) and must be signed by an authorized representative of the industrial user pursuant to requirements found at 40 C.F.R. 403.12(l).

(c) Permit application. Industrial users shall complete and file with the control authority an application in the form prescribed by the town at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(i) Name, address, and location (if different from the address);

(ii) Classification under the North American Industrial System (NAICS), 1997;

(iii) Wastewater constituents and characteristics including, but not limited to, those listed in § 18-308(1) of this chapter as determined by a reliable analytical laboratory with sampling and analyses performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and found at 40 C.F.R., part 136, as amended;

(iv) Time and duration of discharge;

(v) Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(vi) Site plans, floor plans, mechanical and plumbing plans and details to show all process drain lines and the building sewer and appurtenances by the size, location and elevation;

(vii) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;

(viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local or state pretreatment standards, or categorical pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the industrial user to meet applicable pretreatment standards;

(ix) If additional pretreatment and/or operation and maintenance will be required to meet the local or state standards or categorical pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable local or state pretreatment standards or categorical pretreatment standards.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable local or state pretreatment standards or categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in § 18-323(3)(c)(ix)(A) of this chapter shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(x) Each product produced by type, amount, process or processes and rate of production;

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(xiii) Any other information as may be deemed by the control authority to be necessary to evaluate the permit application.

The control authority will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(d) Industrial wastewater discharge permit modifications. Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial wastewater discharge permit of significant industrial users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. Where a significant industrial user, subject to a categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by § 18-323(3)(c) of this chapter, the significant industrial user shall apply for an industrial wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable categorical pretreatment standards. In addition, any significant industrial user with an existing industrial wastewater discharge permit shall submit to the control authority within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard the information required in § 18-323(3)(c)(viii) and (ix) of this chapter.

(e) Industrial wastewater discharge permit conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, charges and fees established by the town.

Permits shall contain the following conditions:

(i) A statement of the duration of the permit, which shall not exceed five (5) years;

(ii) A statement that the permit may not be transferred without, at a minimum, prior notification to the control authority and providing a copy of the existing industrial wastewater discharge permit to the succeeding owner;

(iii) Wastewater discharge limitations based on categorical pretreatment standards, discharge limitations listed in § 18-307(2) of this chapter, and/or discharge prohibitions listed in § 18-307 of this chapter;

(iv) Requirements for notification of the control authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;

(v) Requirements for self-monitoring, sampling, reporting, notification and record keeping; including identification of the pollutants to be monitored in the wastewater discharge, the location for sampling the wastewater discharge, the frequency for

sampling the wastewater discharge, and the type of samples to be collected for each pollutant to be monitored;

(vi) Requirement to immediately report any noncompliance to the control authority, and to immediately resample for parameters out of compliance in accordance with procedures described at 40 C.F.R. part 403.12(g); and/or

(vii) The applicable civil and criminal penalties for violation of provisions of the industrial wastewater discharge permit or this ordinance; and

(viii) Any compliance schedule.

Permits may also contain the following:

(A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

(B) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(C) Requirements for installation and maintenance of inspection and sampling facilities;

(D) Requirements for notification of excessive discharges such as described in § 18-311 of this chapter;

(E) Other conditions as deemed appropriate by the control authority to ensure compliance with this ordinance.

(f) Industrial wastewater discharge permit duration. Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. The permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. The significant industrial user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the significant industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the control authority during the term of the permit as limitations or requirements identified in §§ 18-304--18-321 of this chapter are modified or other just cause exists. The significant industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(g) Industrial wastewater discharge permit transfer. Industrial wastewater discharge permits are issued to a specific significant industrial user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new significant industrial user, different premises, or a new or changed operation without the approval of the control authority. Any succeeding owner or significant industrial user shall also comply with the

terms and conditions of the existing industrial wastewater discharge permit.

(h) Reporting requirements for permittee. (i) Compliance date report. Within ninety (90) days following the date for final compliance with applicable local or state pretreatment standards or categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to local or state pretreatment standards or categorical pretreatment standards shall submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by local or state pretreatment standards or categorical pretreatment standards and the average and maximum daily flow for these process units in the significant industrial user's facility which are limited by such local or state pretreatment standards or categorical pretreatment standards. The report shall state whether the applicable local or state pretreatment standards or categorical pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the significant industrial user into compliance with the applicable local or state pretreatment standards or categorical pretreatment standards. This statement shall be signed by an authorized representative of the significant industrial user, and certified to by a qualified professional engineer.

(ii) Periodic compliance reports. Any significant industrial user subject to a local or state pretreatment standard or categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority by the last day of the months of March and September, unless required more frequently by the local or state pretreatment standard or categorical pretreatment standard or by the control authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such local or state pretreatment standard or categorical pretreatment standards. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted. In addition, this report shall include a record of average and maximum daily flows which during the reporting period exceeded the average daily flow if measurement of wastewater discharge now is different from water meter readings. The flow on

the date of the sampling shall also be reported. All parameters listed on the industrial wastewater discharge permit as having a wastewater discharge limitation must be sampled and analyzed. All reports submitted by the significant industrial user must include the certification described at 40 C.F.R. 403.6(a)(2)(ii) and must bear the signature of an authorized representative of the significant industrial user pursuant to requirements found at 40 C.F.R. 403.12(l). All analyses must be performed by a certified laboratory. A chain of custody form must be submitted with all reports.

(iii) The control authority may impose mass limitations on significant industrial users which are using dilution to meet applicable local or state pretreatment standards or categorical pretreatment standards, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report described in § 18-323(3)(h)(ii)(A) of this chapter shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable local or state pretreatment standard or categorical pretreatment standard.

(iv) All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the act and described at 40 C.F.R., part 136 and amendments thereto. Sampling shall be performed in accordance with the requirements found at 40 C.F.R. part 403.12(b)(5) and techniques approved by the control authority.

(i) Monitoring facilities. The control authority may require to be provided and operated at the significant industrial user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement in the building sewer and/or internal drainage systems. Monitoring facilities should normally be situated on the significant industrial user's premises, but the control authority may, when such a location would be impractical or cause undue hardship on the significant industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the significant industrial user.

Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications. Where required by the control authority, construction of monitoring facilities shall be completed within ninety (90) days following written notification by the control authority.

(j) Inspection and sampling. Industrial users shall allow the control authority ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The control authority, approval authority and EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of such identification, personnel from the control authority, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The control authority shall inspect the facilities of any significant industrial user at least one (1) time each year to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with.

(k) Pretreatment. Significant industrial users shall provide necessary pretreatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards within the time limitations as specified by the categorical pretreatment standards. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the significant industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the control authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the significant industrial user from the responsibility of modifying the facility as necessary to produce an effluent as required under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the control authority prior to the significant industrial user's initiation of the changes.

(l) Confidential information. Information and data relating to an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to

demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

When requested by an industrial user furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the state pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the control authority as confidential shall not be transmitted to any governmental agency or to the general public by the control authority until and unless a ten (10) day notification is given to the industrial user. (as added by Ord. #2001-02110, July 2001)

18-324. Enforcement. (1) Administrative enforcement remedies.

(a) Notification of violation. Whenever the control authority finds that any user has violated or is violating this ordinance, an industrial wastewater discharge permit or order issued hereunder, the control authority may serve upon said user written notice of the violation. Within ten (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 control authority. 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 town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to this section.

(c) Show cause hearing. The control authority may order any user which causes or contributes to violation of this ordinance, industrial wastewater discharge permit, or order issued hereunder, to show cause before the town commission why a proposed enforcement action should not be taken. Hearings shall be conducted in accordance with the provisions of Tennessee Code Annotated, § 69-3-124, as amended. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action and the reasons 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 ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) Compliance order. When the control authority finds that a user has violated or continues to violate this ordinance, an industrial wastewater discharge permit or order issued hereunder, the town may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. A compliance order may also contain a fine for noncompliance with the ordinance or an industrial wastewater discharge permit.

(e) Cease and desist orders. When the town finds that a user has violated or continues to violate the ordinance or any permit or order issued hereunder, the town may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) Civil penalties. Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the town shall utilize such other collection remedies as available to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Users desiring to dispute the assessment of such penalties must file a request for the town to reconsider the penalty within ten (10) days of being notified of the penalty. Where the town believes a request has merit, the control authority shall convene a hearing on the matter within fifteen (15) days of receiving the request from the user.

(g) Emergency suspensions. (i) The town may suspend the wastewater treatment service and/or industrial wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment

(ii) Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The town shall allow the user to recommence its discharge when the endangerment has passed unless the termination proceedings set forth in this section are initiated against the user.

(iii) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW prior to the date of the hearing described in this section.

(h) Termination of industrial wastewater discharge permit. Significant industrial users proposing to discharge into the POTW must first obtain an industrial wastewater discharge permit from the town. Any significant industrial user who violates the following conditions of this ordinance or an industrial wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the significant industrial user's premises for the purpose of inspection, monitoring or sampling.

Noncompliant significant industrial users will be notified of the proposed termination of their industrial wastewater discharge permit and be offered an opportunity to show cause under this section why the proposed action should not be taken.

(2) Judicial remedies. If any person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this ordinance or any order or industrial wastewater discharge permit issued hereunder, the town, through the town attorney, may commence an action for

appropriate legal and/or equitable relief in the Chancery Court for McNairy County.

(a) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this ordinance or an industrial wastewater discharge permit or an order issued hereunder, the town, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The town shall have such remedies to collect these fees as it has to collect other sewer service charges.

(b) Civil penalties. (i) Any user who has violated or continues to violate this ordinance or any order or permit issued hereunder shall be liable to the town for a civil penalty of up to ten thousand dollars (\$10,000.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

(ii) The town shall petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, the economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal prosecution. Pursuant to § 69-3-115(4)(c), as amended, of the Tennessee Code Annotated, violators will be prosecuted for a Class E felony and punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) or incarceration, or both, as provided therein.

(3) Annual publication of significant violations. The town shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those significant industrial users which are found to be in significant noncompliance, as defined in § 18-302(35) of this chapter, with any provisions of this ordinance or industrial wastewater discharge permit or order issued hereunder during the period since the previous publication.

(4) Affirmative defenses. (a) Treatment upsets. (i) An "upset" is defined for the purposes of this ordinance as an exceptional incident in which there is unintentional and temporary noncompliance with the provisions of this ordinance or an industrial wastewater discharge permit because of factors beyond

the reasonable control of the user. Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the control authority within twenty-four (24) hours after becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset.

(ii) A user which complies with the notification provisions of this section of the ordinance in a timely manner shall have an affirmative defense to any enforcement action brought by the town for any noncompliance with this ordinance, or an order or permit issued hereunder, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.

(b) Treatment bypass. A "bypass" is defined for the purposes of this ordinance as the intentional diversion of waste streams from the pretreatment facilities of a significant industrial user.

(i) A bypass of the significant industrial user's pretreatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary pretreatment or retention of the wastewater; and

(C) The user properly notified the control authority, as required under subsection (4)(b)(ii) of this section.

(ii) Significant industrial users must provide immediate notice to the control authority upon discovery of an unanticipated bypass. If necessary, the control authority may require the user to submit a written report explaining the cause(s), nature and

duration of the bypass, and the steps being taken to prevent its recurrence.

(iii) A significant industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the pretreatment system. Significant industrial users anticipating a bypass must submit notice to the control authority at least ten (10) days in advance. The control authority may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection (4)(b)(i) of this section. (as added by Ord. #2001-02110, July 2001)

CHAPTER 4

USER CHARGE SYSTEM

SECTION

- 18-401. Introduction.
- 18-402. Annual review and notification.
- 18-403. Charges for operation and maintenance.
- 18-404. User charge system.
- 18-405. Adoption of system.
- 18-406. Surcharge fees.
- 18-407. Retirement of bonds.

18-401. Introduction. The City of Adamsville is required by the Tennessee Department of Health to develop and implement a user charge system. The user charge system shall provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent from the wastewater treatment facility shall pay for such increased cost. The user charge system must be designed to produce adequate revenues to provide for the following expenditures:

- (1) Operation and maintenance expenses.
- (2) Debt retirement.
- (3) Replacement of the wastewater treatment works over its useful life.
- (4) Depreciation. (Ord. #89110601, Dec. 1989)

18-402. Annual review and notification. The city will review annually the wastewater contribution of users, user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The city will revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation, maintenance, and replacement of the treatment of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Each user will be notified annually in conjunction with a regular bill of the rate and that portion of the user charge that is attributable to wastewater treatment services. (Ord. #89110601, Dec. 1989)

18-403. Charges for operation and maintenance. The cost of operation and maintenance for all flow not directly attributable to a user or users shall be distributed among all users based on flow volume of the user. Flow volume shall be determined by water meter records unless the user elects to install at its own cost a sewer flow meter. The flow meter shall meet the city's approval prior to installation of the meter. Maintaining the meter shall be the sole responsibility of the user. (Ord. #89110601, Dec. 1989)

18-404. User charge system. (1) Classification of users. Users of the city's wastewater system shall be classified into two general classes or categories depending upon the user's contribution of wastewater loads, each class user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(2) Determination of costs. The city commission shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs, operation and maintenance costs of the wastewater collection and treatment system, and debt service costs.

(a) All users who fall under Class I pay a minimum bill plus a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$\text{Monthly Bill} = \frac{A - (B \times C) - I}{D - ((B - E) \times F) - (E \times G)} + C$$

Where:

A = Monthly revenue required.

B = Total number of users.

C = Monthly minimum bill.

D = Total gallons used by all users.

E = Number of minimum users.

F = Maximum number of gallons in minimum range.

G = Gallons used by minimum users.

I = Interest revenue.

Therefore:

According to Table I

$$A = \$7,353$$

$$B = 635$$

$$C = \$5.50$$

$$D = 2,910,000 \text{ gallons/month}$$

$$E = 27$$

$$F = 2,000 \text{ Gallons (0-2,000 Minimum Range)}$$

$$G = 1,600$$

$$I = \$625$$

or

$$\frac{7584 - (635 \times \$5.50) - 625}{2,910,000 - (27 \times 1,600) - ((635 - 27) \times 2,000)} + \$5.50$$

$$\frac{\$3,466.50}{2,910,000 - 43,200 - 1,216,000} + \$5.50$$

or

$$\$2.10 \text{ per thousand} + \$5.50$$

(b) All users who fall within the Class II classification shall all pay the same bill as for the Class I users and in addition shall pay a surcharge rate on excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(c) The volume of water purchased which is used in the calculation of sewer user 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, industrial heating, and humidifying equipment, etc.) The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW is in excess of those described in § 18-404(1)(a), above, thus being classified as 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 for 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.

At the present, Adamsville does not have any Class II users. The above formula should be difficult to apply to a lagoon system. When and if a Class II user locates in Adamsville, the formula will be developed. (Ord. #89110601, Dec. 1989)

18-405. Adoption of system. The legal authority for this user charge system is given by Section 3, Adamsville Sewer Use Ordinance (Ord. #19860401). (Ord. #89110601, Dec. 1989)

18-406. Surcharge fees. If it is determined by the city that the discharge or 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 discharger of such parameters in proportion to the amount of discharge. (Ord. #89110601, Dec. 1989)

18-407. Retirement of bonds. The user charge system includes charges levied to customers to retire bonds. These charges are being imposed by the city. The Clean Water Act does not require the city to retire bonds through the user charge system. (Ord. #89110601, Dec. 1989)

CHAPTER 5

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-501. Definitions.
- 18-502. Places required to have sanitary disposal methods.
- 18-503. When a connection to the public sewer is required.
- 18-504. When a septic tank shall be used.
- 18-505. Registration and records of septic tank cleaners, etc.
- 18-506. Use of pit privy or other method of disposal.
- 18-507. Approval and permit required for septic tanks, privies, etc.
- 18-508. Owner to provide disposal facilities.
- 18-509. Occupant to maintain disposal facilities.
- 18-510. Only specified methods of disposal to be used.
- 18-511. Discharge into watercourses restricted.
- 18-512. Pollution of ground water prohibited.
- 18-513. Enforcement of chapter.
- 18-514. Carnivals, circuses, etc.
- 18-515. Violations.

18-501. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (3) "Human excreta." The bowel and kidney discharges of human beings.
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks

¹Municipal code reference
Plumbing code: title 12, chapter 2.

and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1984 Code, § 8-301)

18-502. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1984 Code, § 8-302)

18-503. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1984 Code, § 8-303)

18-504. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1984 Code, § 8-304)

18-505. Registration and records of septic tank cleaners, etc.

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1984 Code, § 8-305)

18-506. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-502 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1984 Code, § 8-306)

18-507. Approval and permit required for septic tanks, privies, etc.

Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1984 Code, § 8-307)

18-508. Owner to provide disposal facilities.

It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-502, or the agent of the owner to provide such facilities. (1984 Code, § 8-308)

18-509. Occupant to maintain disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1984 Code, § 8-309)

18-510. Only specified methods of disposal to be used.

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1984 Code, § 8-310)

18-511. Discharge into watercourses restricted.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1984 Code, § 8-311)

18-512. Pollution of ground water prohibited.

No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1984 Code, § 8-312)

18-513. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1984 Code, § 8-313)

18-514. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1984 Code, § 8-314)

18-515. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1984 Code, § 8-315)

CHAPTER 6

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-601. Objectives.
- 18-602. Definitions.
- 18-603. Compliance with Tennessee Code Annotated.
- 18-604. Regulated.
- 18-605. Permit required.
- 18-606. Inspections.
- 18-607. Right of entry for inspections.
- 18-608. Correction of violations.
- 18-609. Required devices.
- 18-610. Non-potable supplies.
- 18-611. Statement required.
- 18-612. Penalty; discontinuance of water supply.
- 18-613. Provision applicable.

18-601. Objectives. The objectives of this chapter are:

- (1) To protect the public potable water system of Adamsville Water System from the possibility of contamination or pollution by isolating within the customer's internal distribution system such contaminants or pollutants that could backflow or backsiphon into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;
- (3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1984 Code, § 8-401, as replaced by Ord. #09191114, Sept. 2011)

18-602. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

- (1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

water supply line, but in no case less than six inches (6"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than six inches (6").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each part of the assembly.

(10) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(14) "Potable water" shall mean water which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded

check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Adamsville Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Manager" shall mean the Manager of the Adamsville Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e., the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1984 Code, § 8-402, as replaced by Ord. #09191114, Sept. 2011)

18-603. Compliance with Tennessee Code Annotated. The Adamsville Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Adamsville Water System shall comply with Tennessee Code Annotated, § 68-221-711 as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections; and shall establish an effective, on-going program to control these undesirable water uses. (1984 Code, § 8-403, as replaced by Ord. #09191114, Sept. 2011)

18-604. Regulated. (1) No water service connection to any premises shall be installed or maintained by the Adamsville Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Adamsville Water System if a backflow prevention device required by this chapter is not installed,

tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross connection is at all times under the direction of the Manager of the Adamsville Water System.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Adamsville Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (1984 Code, § 8-404, as replaced by Ord. #09191114, Sept. 2011)

18-605. Permit required. (1) New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Adamsville Water System for approval.

(2) Existing installations. No alteration, repair, testing or change shall be made to any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Adamsville Water System. (1984 Code, § 8-405, as replaced by Ord. #09191114, Sept. 2011)

18-606. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and

re-inspection shall be based on potential health hazards involved, and shall be established by the Adamsville Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (1984 Code, § 8-406, as replaced by Ord. #09191114, Sept. 2011)

18-607. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Adamsville Water System public water system for the purpose of inspecting the piping system therein for cross connections, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (1984 Code, § 8-407, as replaced by Ord. #09191114, Sept. 2011)

18-608. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Adamsville Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two systems cannot again be connected by an

unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (1984 Code, § 8-408, as replaced by Ord. #09191114, Sept. 2011)

18-609. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Adamsville Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;
- (c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;
- (d) There is likelihood that protective measures may be subverted, altered or disconnected;
- (e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Adamsville Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Adamsville Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation. High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (a) High risk high hazards:
 - (i) Mortuaries, morgues, autopsy facilities;
 - (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
 - (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
 - (iv) Premises with auxiliary water supplies or industrial piping systems;
 - (v) Chemical plants (manufacturing, processing, compounding, or treatment);
 - (vi) Laboratories (industrial, commercial, medical research, school);
 - (vii) Packing and rendering houses;
 - (viii) Manufacturing plants;
 - (ix) Food and beverage processing plants;
 - (x) Automated car wash facilities;
 - (xi) Extermination companies;
 - (xii) Airports, railroads, bus terminals, piers, boat docks;
 - (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
 - (xiv) Metal plating, pickling, and anodizing operations;
 - (xv) Greenhouses and nurseries;
 - (xvi) Commercial laundries and dry cleaners;
 - (xvii) Film laboratories;
 - (xviii) Petroleum processes and storage plants;
 - (xix) Restricted establishments;
 - (xx) Schools and educational facilities;
 - (xxi) Animal feedlots, chicken houses, and CAFOs;
 - (xxii) Taxidermy facilities;
 - (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross connections contaminating the system, a time period of ninety (90) days maximum will be allowed for corrections. High hazard is a cross connection or potential cross connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease (See Appendix A of manual).¹

(4) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections

¹Available in the office of the city recorder.

for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Adamsville Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter by a person approved by the Adamsville Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless

otherwise approved by the Adamsville Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate

material to protect the device from vandalism and freezing and shall be approved by the Adamsville Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees (+40°) F with an outside temperature of negative thirty degrees (-30°) F and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Adamsville Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Adamsville Water System may require the installation of a duplicate device.

(p) The Adamsville Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Adamsville Water System. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall

not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Adamsville Water System.

(6) **Testing of devices.** Devices shall be tested at least annually by the Adamsville Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Adamsville Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge for annual testing. (1984 Code, § 8-409, as replaced by Ord. #09191114, Sept. 2011)

18-610. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Adamsville Water System, such coding is necessary to identify and protect the potable water supply. (1984 Code, § 8-410, as replaced by Ord. #09191114, Sept. 2011)

18-611. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Adamsville Water System a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #09191114, Sept. 2011)

18-612. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #0919114, Sept. 2011)

18-613. Provision applicable. The requirements contained in this chapter shall apply to all premises served by the Adamsville Water System and are hereby made part of the conditions required to be met for the Adamsville Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of this chapter is entitled to a due process hearing upon timely request. (as added by Ord. #0919114, Sept. 2011)

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.¹ The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹The agreements are of record in the office of the city recorder.

CHAPTER 2

GAS¹

SECTION

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be provided by the city to applicants therefor under such conditions and pursuant to such contracts and rate schedules as the city commission may prescribe or approve. Applications for service shall be made on such forms as shall be provided by the city. (1984 Code, § 13-301)

¹Municipal code reference
Gas code: title 12.

TITLE 20

MISCELLANEOUS

CHAPTER

1. FAIR HOUSING REGULATIONS.
2. DONATION POLICY.
3. PUBLIC RECORD PROCEDURES.

CHAPTER 1

FAIR HOUSING REGULATIONS

SECTION

- 20-101. Title.
- 20-102. Definitions.
- 20-103. Purposes of law, construction, effect.
- 20-104. Unlawful housing practices.
- 20-105. Blockbusting.
- 20-106. Exemptions from housing provisions.
- 20-107. Provisions for enforcement.
- 20-108. Agency no defense in proceeding against real estate dealer.
- 20-109. Establishment of procedures for conciliation.
- 20-110. Findings of hearing board; nature of affirmative action.
- 20-111. Investigations, powers, records.
- 20-112. Conspiracy to violate chapter unlawful.

20-101. Title. This chapter shall be known and may be cited as the City of Adamsville "Fair Housing Ordinance." (1984 Code, § 4-501)

20-102. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city commission to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, or sex or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes building, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting in behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities, or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1984 Code, § 4-502)

20-103. Purposes of law, construction, effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Adamsville of the city policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex, thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (1984 Code, § 4-503)

20-104. Unlawful housing practices. It is an unlawful practice for a real estate operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex;

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex;

(5) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex;

(6) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification or discrimination as to race, color, religion, national origin, or sex or an intent to make such limitation, specification, or discrimination;

(7) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex; or

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (1984 Code, § 4-504)

20-105. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, real estate salesman, a financial institution, an employee of any of these or any person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (1984 Code, § 4-505)

20-106. Exemptions from housing provisions. (1) Nothing in § 20-104 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations;

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein;

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1984 Code, § 4-506)

20-107. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$200.00 to be recovered in a civil action, provided that in case of a continuing violation, the total penalty shall not exceed \$1,000.00.

(2) The city may sue in a civil act through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to the appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this chapter shall constitute a misdemeanor punishable as provided by law. (1984 Code, § 4-507)

20-108. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (1984 Code, § 4-508)

20-109. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The city commission shall establish a hearing board, which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process.

(3) The city commission hereby establishes that the planning commission shall serve as a hearing board on all fair housing matters. (1984 Code, § 4-509)

20-110. Findings of hearing board; nature of affirmative action.

(1) If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its finding of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

(2) If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complaint, the city attorney and such other public officials, officers and persons as the board deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

(a) Extension of all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;

(b) Reporting as to the manner of compliance;

(c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;

(d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.

(e) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative housing accommodations and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

(4) The provision for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1984 Code, § 4-510)

20-111. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to the chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1986 and any regulations promulgated thereunder.

(3) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulation order. If the board finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (1984 Code, § 4-511)

20-112. Conspiracy to violate this chapter unlawful. It shall be unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she had made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1984 Code, § 4-512)

CHAPTER 2

DONATION POLICY

SECTION

20-201. Purpose.

20-202. Enforcement.

20-203. Donations.

20-201. Purpose. The purpose of this chapter is to bring the city into compliance with Public Acts 1978, Chapter 838, Section 1. The act required Tennessee municipalities to adopt guidelines for donations to nonprofit organizations. (Ord. #94021401, March 1994)

20-202. Enforcement. The chief administrative officer of the city or his or her designee shall be responsible for the enforcement of this policy. (Ord. #94021401, March 1994)

20-203. Donations. (1) The city may appropriate funds for only those nonprofit charitable (and nonprofit civic) organizations that provide services benefiting the general welfare of the residents of the municipality as provided by Public Acts 1978, Chapter 838, Section 1(a).

(2) A special resolution shall be adopted for each nonprofit charitable (or nonprofit civic) organization that is to receive municipal funds, stating the purpose for which the funds are being appropriated.

(3) The budget document shall include the name of each nonprofit charitable (or nonprofit civic) organization and the specific amount appropriated for each organization.

(4) Payments to nonprofit charitable (or nonprofit civic) organizations shall be limited to the amount appropriated for such purposes and in keeping with the municipality's guidelines for how the appropriated funds may be spent.

(5) The city shall require each nonprofit (charitable or civic) organization receiving financial assistance from the municipality to file with the disbursing official of the municipality a copy of an annual report of its business affairs and transactions and the proposed use of the contributed funds. This requirement is in addition to the requirement imposed by Public Acts 1978, Chapter 838, Section 1(c). (Ord. #94021401, March 1994)

CHAPTER 3

PUBLIC RECORD PROCEDURES

SECTION

20-301. Access and inspection of public records.

20-302. Fees for inspection and copying of public records.

20-301. Access and inspection of public records. (1) Consistent with the Public Records Act of the State of Tennessee, personnel at the City of Adamsville shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.

(2) Employees of the City of Adamsville shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied. All inspections or copying of records shall be performed by, or under of, employees of the City of Adamsville.

(3) Personnel with the City of Adamsville shall prevent excessive disruptions of essential functions and duties and shall seek to provide access to records at the earliest possible time.

(4) Requests for inspection or copying of records shall be made in writing on a form provided by the City of Adamsville. Such form shall be completed by the person requesting the record, and that city employees may demand reasonable identification of any person requesting a record.

(5) Hours for making requests for inspection or copying records shall be the regular office hours of city hall.

(6) Removal of records from city hall shall not be permitted.

(7) Reproduction of records shall not be undertaken when in the judgment of personnel of the City of Adamsville such reproduction would cause damage to the record(s). (Ord. #94021401, March 1994)

20-302. Fees for inspection and copying of public records.

(1) The Commission of the City of Adamsville may establish reasonable fees to cover the cost of retrieving, supervising, access and inspection, and reproduction of records. Such fees may include the actual cost of reproduction, personnel costs related to time spent retrieving and accessing records, and personnel costs related to time spent supervising inspection or reproduction of records.

(2) All fees for purposes identified in § 20-302(1) above shall be due at the time such costs are incurred.

(3) No fees shall be assessed against officers or employees of the City of Adamsville who make requests which are reasonably necessary to the performance of their official duties.

(4) No reproduction fee shall be assessed when an employee of the City of Adamsville determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge. (Ord. #94021401, March 1994)

ORDINANCE NO. 981101**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ADAMSVILLE TENNESSEE.**

WHEREAS some of the ordinances of the City of Adamsville are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Adamsville, 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 "Adamsville Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF ADAMSVILLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Adamsville Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

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Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the 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, 9-14, 1998.

Passed 2nd reading, 11-2, 1998.

See attached minutes

Mayor

Recorder