# THE BELL BUCKLE MUNICIPAL CODE

#### Prepared by the



April 2010

#### TOWN OF BELL BUCKLE, TENNESSEE

#### **MAYOR**

Ronnie Lokey

#### **VICE MAYOR**

Betsy Wheeler

#### **ALDERMEN**

Zach Akers

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David Vannatta

#### **RECORDER**

Janet Robinson

#### **PREFACE**

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the town is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the town agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

The able assistance of the codes team: Emily Keyser, Linda Winstead, Nancy Gibson, and Doug Brown is gratefully acknowledged.

Stephanie Allen Codification Consultant

# ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

- 1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)
- 2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

### TABLE OF CONTENTS

|           | <u>PAGE</u>  |
|-----------|--|
|           | INTRODUCTION   |
| OFFICIAL  | S OF THE CITY AT TIME OF CODIFICATIONii              |
| PREFACE   | iii  |
|           | CE ADOPTION PROCEDURES PRESCRIBED BY CHARTER v       |
|           | <u>CHARTER</u>                                       |
| CHARTER   | TABLE OF CONTENTS C-1                                |
| TEXT OF ( | <b>CHARTER</b>                                       |
|           | CODE OF ORDINANCES                                   |
| CODE-AD   | OPTING ORDINANCE ORD-1                               |
| TITLE 1.  | GENERAL ADMINISTRATION 1-1                           |
|           | CHAPTER  1. BOARD OF MAYOR AND ALDERMEN 1-2 2. MAYOR |
| TITLE 2.  | BOARDS AND COMMISSIONS, ETC 2-1                      |
|           | RESERVED FOR FUTURE USE                              |
| TITLE 3.  | MUNICIPAL COURT 3-1                                  |
|           | CHAPTER 1. MISCELLANEOUS                             |

|          | <u>P.</u>   | <b>AGE</b> |
|----------|---|------------|
| TITLE 4. | MUNICIPAL PERSONNEL   | 4-1        |
|          | CHAPTER  1. SOCIAL SECURITY   | 4-1        |
|          | PERSONNEL   |            |
|          | PROGRAM   |            |
| TITLE 5. | MUNICIPAL FINANCE AND TAXATION                                      | 5-1        |
|          | CHAPTER  1 DEAL DOODEDTY TAYES                                      | <b>F</b> 0 |
|          | <ol> <li>REAL PROPERTY TAXES</li> <li>WHOLESALE BEER TAX</li> </ol> |            |
|          | 3. PURCHASING   |            |
|          | 4. PRIVILEGE TAXES  |            |
| TITLE 6. | LAW ENFORCEMENT   | 6-1        |
|          | CHAPTER 1. POLICE AND ARREST  | 6-1        |
| TITLE 7. | FIRE PROTECTION AND FIREWORKS                                       | 7-1        |
|          | CHAPTER   |            |
|          | 1. VOLUNTEER FIRE DEPARTMENT  | 7-1        |
| TITLE 8. | ALCOHOLIC BEVERAGES   | 8-1        |
|          | CHAPTER   |            |
|          | 1. INTOXICATING LIQUORS   |            |
|          | 2. BEER   | 8-2        |
| TITLE 9. | BUSINESS, PEDDLERS, SOLICITORS, ETC                                 | 9-1        |
|          | CHAPTER   |            |
|          | 1. MISCELLANEOUS  |            |
|          | 2. PEDDLERS, ETC  |            |
|          | 3. CABLE TELEVISION   | 9-4        |

|                  | $\underline{\mathbf{P}}$               | AGE  |
|------------------|--|------|
| TITLE 10.        | ANIMAL CONTROL                         | 10-1 |
|                  | CHAPTER                                |      |
|                  | 1. IN GENERAL                          | 10-1 |
| TITLE 11.        | MUNICIPAL OFFENSES                     | 11-1 |
|                  | CHAPTER                                |      |
|                  |  | 11 1 |
|                  | 1. ALCOHOL                             |      |
|                  | 2. FORTUNE TELLING, ETC                | 11-2 |
|                  | 3. OFFENSES AGAINST THE PEACE AND      | 11.0 |
|                  | QUIET                                  | 11-3 |
|                  | 4. INTERFERENCE WITH PUBLIC OPERATIONS |      |
|                  | AND PERSONNEL                          |      |
|                  | 5. FIREARMS, WEAPONS AND MISSILES      | 11-7 |
|                  | 6. TRESPASSING, MALICIOUS MISCHIEF AND |      |
|                  | INTERFERENCE WITH TRAFFIC              |      |
|                  | 7. MISCELLANEOUS                       | 11-9 |
| TITLE 12.        | BUILDING, UTILITY, ETC. CODES          | 12-1 |
|                  | RESERVED FOR FUTURE USE                |      |
| TITLE 13.        | PROPERTY MAINTENANCE REGULATIONS       | 13-1 |
|                  | CHAPTER                                |      |
|                  | 1. MISCELLANEOUS                       | 19 1 |
|                  | 2. JUNKYARDS                           |      |
|                  | 3. SLUM CLEARANCE                      |      |
|                  | 5. SLUM CLEARANCE                      | 13-6 |
| <b>TITLE 14.</b> | ZONING AND LAND USE CONTROL            | 14-1 |
|                  | CHAPTER                                |      |
|                  |  | 111  |
|                  | 1. MUNICIPAL PLANNING COMMISSION       |      |
|                  | 2. ZONING ORDINANCE                    | 14-3 |
|                  | 3. STORMWATER DETENTION AND            | - 4  |
|                  | FLOODPLAIN MANAGEMENT ORDINANCE        | 14-4 |
| TITLE 15.        | MOTOR VEHICLES, TRAFFIC AND            |      |
|                  | PARKING                                | 15-1 |
|                  | CHAPTER                                |      |
|                  | 1. MISCELLANEOUS                       | 15-1 |
|                  | 2. EMERGENCY VEHICLES                  |      |
|                  |  | _    |

|   |                                   | $\underline{\mathbf{PAGE}}$   |
|---|-----------------------------------|---|
|   | 3.<br>4.<br>5.<br>6.<br>7.        | SPEED LIMITS15-10TURNING MOVEMENTS15-11STOPPING AND YIELDING15-12PARKING15-16ENFORCEMENT15-18                     |
| TITLE 16.                               | STREE                             | ETS AND SIDEWALKS, ETC 16-1   |
| TITI E 17                               | 1.                                | APTER MISCELLANEOUS   |
| 111111111111111111111111111111111111111 |                                   |   |
|   | <b>CH</b> 2                       | <b>APTER</b> REFUSE   |
| TITLE 18.                               | WATE                              | <b>R AND SEWERS</b>   |
|   | CHA<br>1.<br>2.<br>3.<br>4.<br>5. | WATER SYSTEM RULES AND REGULATIONS 18-1 SUPPLEMENTARY SEWER REGULATIONS . 18-13 SEWAGE AND HUMAN EXCRETA DISPOSAL |
| TITLE 19.                               | ELECT                             | <b>TRICITY &amp; GAS</b>  |
|   | 1.                                | GAS   |
| TITLE 20.                               | MISCE                             | <b>ELLANEOUS</b> 20-1   |
|   | RES                               | SERVED FOR FUTURE USE   |
| CERTIFIC                                | ATE OF                            | AUTHENTICITY CERT-1   |

#### TITLE 1

#### GENERAL ADMINISTRATION<sup>1</sup>

#### **CHAPTER**

- 1. BOARD OF MAYOR AND ALDERMEN.
- 2. MAYOR.
- 3. RECORDER AND TREASURER.
- 4. CITY CLERK.
- 5. CODE OF ETHICS.
- 6. ABSENTEE MAIL BALLOT VOTING PROCEDURES FOR NON-RESIDENT PROPERTY OWNERS IN MUNICIPAL ELECTIONS.

<sup>1</sup>Charter references

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

Municipal code references

Fire department: title 7. Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

#### BOARD OF MAYOR AND ALDERMEN<sup>1</sup>

#### **SECTION**

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-101. <u>Time and place of regular meetings</u>. The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M. on the second Tuesday of each month at the town hall. (1996 Code, § 1-101, modified)
- **1-102.** Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:
  - (1) Call to order by the mayor.
  - (2) Recording of those present by the city clerk.
- (3) Reading of minutes of the previous meeting by the city clerk and approval or correction.
  - (4) Financial report.
- (5) Reports from committees, members of the board of mayor and aldermen, and other officers.
  - (6) Communications from the mayor.
  - (7) Old business.

<sup>1</sup>Charter references

For charter provisions related to the board of mayor and aldermen, see <u>Tennessee Code Annotated</u>, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

City Administrator: § 6-4-101. Compensation: § 6-3-109. Duties of Mayor: § 6-3-106. Election of the board: § 6-3-101.

Oath: § 6-3-105.
Ordinance procedure
Publication: § 6-2-101.
Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

- (8) New business.
- (9) Grievances from citizens.
- (10) Adjournment. (1996 Code, § 1-102)

**1-103.** <u>General rules of order.</u> The rules of order and parliamentary procedure contained in <u>Robert's Rules of Order, Newly Revised</u>, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1996 Code, § 1-103)

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

#### **SECTION**

1-201. Generally supervises town's affairs.

**1-201.** <u>Generally supervises town's affairs</u>. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he/she may reasonably deem necessary to carry out his/her executive responsibilities.<sup>2</sup> (1996 Code, § 1-201)

For charter provisions related to the mayor, see <u>Tennessee Code Annotated</u>, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

<sup>2</sup>Charter reference

Duties of Mayor: § 6-3-106.

<sup>&</sup>lt;sup>1</sup>Charter references

#### RECORDER<sup>1</sup> AND TREASURER<sup>2</sup>

#### **SECTION**

- 1-301. To be bonded.
- 1-302. To keep minutes, etc.
- 1-303. To perform general administrative duties, etc.
- 1-304. To sign checks.
- 1-305. Certain duties may be delegated to city clerk.
- **1-301.** To be bonded. The recorder and treasurer shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1996 Code, § 1-301)
- **1-302.** To keep minutes, etc. The recorder and treasurer shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1996 Code, § 1-302)
- 1-303. To perform general administrative duties, etc. The recorder and treasurer shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the town shall provide. (1996 Code, § 1-303)
- **1-304.** <u>To sign checks</u>. The recorder and treasurer, along with the city clerk, shall sign all checks drawn on accounts of the town. (1996 Code, § 1-304)
- 1-305. <u>Certain duties may be delegated to city clerk</u>. The recorder and treasurer may delegate to the city clerk any clerical duties he sees fit to delegate. The recorder and treasurer, however, will be responsible for seeing

<sup>1</sup>Charter references

City recorder: § 6-4-201 et seq. Recorder as treasurer: § 6-4-401(c). Recorder as judge: § 6-4-301(b)(1)(C).

<sup>2</sup>Charter references

City treasurer: § 6-4-401 et seq.

Duties: § 6-4-401.

that delegated duties are carried out in a timely and competent manner. (1996 Code,  $\S$  1-305)

#### CITY CLERK

#### **SECTION**

- 1-401. Position created.
- 1-402. To be bonded.
- 1-403. To sign checks.
- 1-404. To perform delegated duties.
- **1-401. Position created**. There is hereby created the position of city clerk. (1996 Code, § 1-401)
- **1-402.** To be bonded. The city clerk shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1996 Code, § 1-402)
- **1-403.** To sign checks. The city clerk, along with the recorder and treasurer, shall sign all checks drawn on accounts of the town. (1996 Code, § 1-403)
- **1-404.** To perform delegated duties. The city clerk shall perform such clerical duties as may be delegated by the recorder and treasurer and such other duties as may be imposed by this code of ordinances. (1996 Code, § 1-404)

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

#### **SECTION**

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in non-voting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.

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

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

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

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

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

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

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

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

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

- 1-510. Ethics complaints.
- 1-511. Violations.
- 1-501. <u>Applicability</u>. This chapter constitutes the code of ethics for officials and employees of the Town of Bell Buckle. 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 town. The words "municipal" and "municipality" include these separate entities. (Ord. #06-004, Jan. 2007)
- **1-502. Definition of "personal interest**." 1. For purposes of §§ 1-503 and 1-504, "personal interest" means:
  - (a) Any financial, ownership, or employment interest in the subject of a vote by a town board not otherwise regulated by state statutes on conflicts of interests; or
  - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
  - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
- 2. The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- 3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #06-004, Jan. 2007)
- 1-503. <u>Disclosure of personal interest by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (Ord. #06-004, Jan. 2007)
- 1-504. <u>Disclosure of personal interest in non-voting matters</u>. 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

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

or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #06-004, Jan. 2007)

- **1-505.** Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the town:
- 1. For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- 2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing town business. (Ord. #06-004, Jan. 2007)
- **1-506.** <u>Use of information</u>. 1. An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- 2. An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #06-004, Jan. 2007)
- 1-507. <u>Use of municipal time, facilities, etc.</u> (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the town. (Ord. #06-004, Jan. 2007)
- **1-508.** <u>Use of position or authority.</u> 1. An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the town.
- 2. An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the town. (Ord. #06-004, Jan. 2007)
- 1-509. <u>Outside employment</u>. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the

performance of any affirmative duty of the municipal position or conflicts with any provision of the town's charter or any ordinance or policy. (Ord. #06-004, Jan. 2007)

- **1-510.** Ethics complaints. 1. The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
  - 2. (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
  - (b) The town attorney may request that the board of mayor and aldermen hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.
  - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the board of mayor and aldermen, the board of mayor and aldermen shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the board of mayor and aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the board of mayor and aldermen.
- 3. The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- 4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #06-004, Jan. 2007)
- 1-511. <u>Violations</u>. 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 town's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #06-004, Jan. 2007)

## ABSENTEE MAIL BALLOT VOTING PROCEDURES FOR NON-RESIDENT PROPERTY OWNERS IN MUNICIPAL ELECTIONS

#### **SECTION**

- 1-601. <u>Absentee mail ballot voting procedures for non-resident property owners in municipal elections</u>.
- 1-601. <u>Absentee mail ballot voting procedures for non-resident property owners in municipal elections</u>. All persons residing outside the Corporate Limits of the Town of Bell Buckle who own real property within the Corporate Limits of the Town of Bell Buckle and who are entitled to vote in the Town of Bell Buckle municipal elections pursuant to the Bell Buckle Charter, and other general law requirements, shall cast their ballot in the Town of Bell Buckle municipal elections by absentee by mail ballots. (as added by Ord. #14-004, April 2014 *Ch1\_11-10-20*)

# TITLE 2 BOARDS AND COMMISSIONS, ETC. [RESERVED FOR FUTURE USE]

#### TITLE 3

#### MUNICIPAL COURT<sup>1</sup>

#### **CHAPTER**

1. MISCELLANEOUS.

#### **CHAPTER 1**

#### **MISCELLANEOUS**

#### **SECTION**

3-101. Court costs.

3-102. Litigation tax.

**3-101.** Court costs. In all cases heard and determined by him, the municipal judge shall impose court costs in the amount of one hundred twenty-five dollars (\$125.00).

One dollar (\$1.00) of the court costs in each case shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks pursuant to <u>Tennessee Code Annotated</u>, § 16-18-305(b). The above amount does not include the thirteen dollars seventy-five cents (\$13.75) litigation tax levied by the State of Tennessee. (Ord. #08-001, April 2008, as amended by Ord. #10-002, May 2010, and replaced by Ord. #14-003, April 2014 *Ch1\_11-10-20*)

- **3-102.** <u>Litigation tax</u>. 1. On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of thirteen dollars and seventy-five cents (\$13.75).
- 2. The privilege taxes levied pursuant to this section shall be paid to the town recorder monthly to be used to assist in paying for the operation of city court and for the police department. (Ord. #08-002, April 2008)

<sup>1</sup>Charter references

City Judge--City Court: § 6-4-301.

#### TITLE 4

#### **MUNICIPAL PERSONNEL**

#### **CHAPTER**

- 1. SOCIAL SECURITY.
- 2. MISCELLANEOUS REGULATIONS--TOWN PERSONNEL.
- 3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
- 4. TRAVEL REIMBURSEMENT REGULATIONS.

#### CHAPTER 1

#### SOCIAL SECURITY

#### **SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Mayor to execute agreements; records and reports; exclusions.
- 4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the Board of Mayor and Aldermen of the Town of Bell Buckle, Tennessee, to extend at the earliest date hereinafter set forth; to employees and officials thereof, not excluded by law or this changer, and whether employed in connection with a governmental or proprietary function, the benefits of the Federal System of Old-Age, Survivors Disability, Hospital Insurance as authorized by the Social Security Act and amendments thereto, including Public Law 734, 81<sup>st</sup> Congress. In pursuance of said policy, and for that purpose, the said Town of Bell Buckle shall take such action as may be required by applicable state and federal laws or regulations. (Ord. #02-002, May 2002)
- 4-102. Mayor to execute agreements; records and reports; exclusions. 1. Records and reports; exclusions. The Mayor of the Town of Bell Buckle is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to provide coverage of employees and officials as provided in the preceding section.
- 2. The said Town of Bell Buckle shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.
- 3. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee not authorized to be covered under federal or state laws or regulations.

4. The agreement does not apply to services performed after July 1, 1991, that were mandatorily covered under section 210(7)(F) of the Social Security Act. (Ord. #02-002, May 2002)

#### MISCELLANEOUS REGULATIONS-TOWN PERSONNEL

#### **SECTION**

- 4-201. Business dealings.
- 4-202. Political activity.
- 4-203. Use of municipal time, facilities, etc.
- 4-204. Strikes and unions.
- **4-201.** Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town. (1996 Code, § 4-101)
- **4-202.** Political activity. Employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office (except for membership on the municipal governing body), the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, no employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election.
- 4-203. <u>Use of municipal time, facilities, etc.</u> 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 board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services. (1996 Code, § 4-104)
- **4-204.** <u>Strikes and unions</u>. No municipal officer or employee shall participate in any strike against the town, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1996 Code, § 4-106)

#### OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

#### **SECTION**

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.
- 4-308. Deleted.
- **4-301.** <u>Title</u>. This section shall be known as "the occupational safety and health program plan" for the employees of the Town of Bell Buckle. (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013  $Ch1_11-10-20$ , Ord. #17-01, Feb. 2017  $Ch1_11-10-20$ , and Ord. #20-04, Nov. 2020  $Ch1_11-10-20$ )
- **4-302.** Purpose. The Town of Bell Buckle, in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:
- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and

<sup>&</sup>lt;sup>1</sup>The Plan of Operation for the Bell Buckle Occupational Safety and Health Program is available in the office of the recorder.

personal injuries for proper evaluation and necessary corrective action as required.

- (4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.
- (6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- (7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program plan. (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 *Ch1\_11-10-20*, Ord. #17-01, Feb. 2017 *Ch1\_11-10-20*, and Ord. #20-04, Nov. 2020 *Ch1\_11-10-20*)
- **4-303.** <u>Coverage</u>. The provisions of the occupational safety and health program plan for the employees of the Town of Bell Buckle shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 *Ch1\_11-10-20*, Ord. #17-01, Feb. 2017 *Ch1\_11-10-20*, and Ord. #20-04, Nov. 2020 *Ch1\_11-10-20*)
- **4-304.** Standards authorized. The occupational safety and health standards adopted by the board of mayor and aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 **Ch1\_11-10-20**, Ord. #17-01, Feb. 2017 **Ch1\_11-10-20**, and Ord. #20-04, Nov. 2020 **Ch1\_11-10-20**)
- 4-305. <u>Variances from standards authorized</u>. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary

variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.(Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 *Ch1\_11-10-20*, Ord. #17-01, Feb. 2017 *Ch1\_11-10-20*, and Ord. #20-04, Nov. 2020 *Ch1\_11-10-20*)

- 4-306. <u>Administration</u>. For the purposes of this ordinance, the Police chief is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by <u>Tennessee Code Annotated</u>, title 50. (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 *Ch1\_11-10-20*, Ord. #17-01, Feb. 2017 *Ch1\_11-10-20*, and Ord. #20-04, Nov. 2020 *Ch1\_11-10-20*)
- **4-307.** Funding the program plan. Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the Town of Bell Buckle. (Ord. #06-001, May 2006, as replaced by Ord. #13-001, March 2013 *Ch1\_11-10-20*, Ord. #17-01, Feb. 2017 *Ch1\_11-10-20*, and Ord. #20-04, Nov. 2020 *Ch1\_11-10-20*)
- **4-308.** <u>Deleted</u>. (Ord. #06-001, May 2006, as deleted by Ord. #13-001, March 2013 Ch1 11-10-20)

#### TRAVEL REIMBURSEMENT REGULATIONS

#### **SECTION**

- 4-401. Purpose.
- 4-402. Enforcement.
- 4-403. Travel policy.
- 4-404. Travel reimbursement rate schedules.
- 4-405. Administrative procedures.
- **4-401. Purpose**. The purpose of this chapter and referenced regulations is to bring the town into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular town employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on town business at town expense. (Ord. #98-001, June 1998)

- **4-402.** Enforcement. The board of mayor and aldermen, or other designated person or body shall be responsible for the enforcement of these travel regulations. (Ord. #98-001, June 1998)
- 4-403. <u>Travel policy</u>. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.
- (2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the town. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the board. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the board 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 town business for which travel was authorized, and
  - (b) actual, reasonable, and necessary under the circumstances. The board may make exceptions for unusual circumstances. Expenses considered excessive won't be allowed.
- (7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.
- (8) Any person attempting to defraud the town or misuse town travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- (9) Mileage and motel expenses incurred within the town aren't ordinarily considered eligible expenses for reimbursement. (Ord. #98-001, June 1998)
- **4-404.** <u>Travel reimbursement rate schedules</u>. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #98-001, June 1998, as amended by Ord. #08-007, Sept. 2008)

**4-405.** Administrative procedures. The town adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the town recorder.

In accordance with the town's charter, this chapter shall take effect from and after its final passage and publication of its caption in a newspaper of general circulation with the Town of Bell Buckle. (Ord. #98-001, June 1998)

#### TITLE 5

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

#### **CHAPTER**

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

<sup>&</sup>lt;sup>1</sup>Charter references

For specific charter provisions on depositories of municipal funds, see  $\underline{\text{Tennessee Code Annotated}}$ , § 6-4-402.

#### REAL PROPERTY TAXES

#### **SECTION**

- 5-101. When due and payable.
- 5-102. When delinquent--penalty and interest.
- **5-101.** When due and payable. <sup>1</sup> Taxes levied by the town against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1996 Code, § 5-101)
- **5-102.** When delinquent—penalty and interest.<sup>2</sup> All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.<sup>3</sup> (1996 Code, § 5-102)

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

<sup>2</sup>Charter and state law reference

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

<sup>3</sup>Charter and state law references

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

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

(continued...)

<sup>&</sup>lt;sup>1</sup>State law references

#### WHOLESALE BEER TAX

#### **SECTION**

5-201. To be collected.

**5-201.** <u>To be collected</u>. The recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in <u>Tennessee Code Annotated</u>, title 57, chapter 6. (1996 Code, § 5-201)

(...continued)

§ 67-5-2005.

<u>Tennessee Code Annotated</u>, 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.

<sup>&</sup>lt;sup>1</sup>State law reference

#### **PURCHASING**

#### **SECTION**

5-301. Minimum bid limit requiring sealed competitive bids.

#### 5-301. Minimum bid limit requiring sealed competitive bids.

- (1) The minimum bid limit requiring sealed bids shall be ten thousand dollars (\$10,000.00).
- (2) Purchases of goods and services for amounts less than ten thousand dollars (\$10,000.00) are to be competitively bid by obtaining quotations to ensure that the Town of Bell Buckle makes purchases at the lowest and best possible prices. (Ord. #09-003, May 2009)

#### PRIVILEGE TAXES

#### **SECTION**

- 5-401. Tax levied.
- 5-402. License required.
- 5-403. Adjustments and refunds.
- **5-401.** 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, all annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) as it now exists or may from time to time be amended, are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act. (as added by Ord. #18-01, May 2018  $Ch1_11-10-20$ )
- **5-402.** License required. No person shall exercise any privilege subject to the business tax within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (as added by Ord. #18-01, May 2018 *Ch1 11-10-20*)
- **5-403.** Adjustments and refunds. The city recorder is hereby authorized and empowered to settle and adjust with taxpayers ail errors and double assessments of city taxes erroneously or illegally collected by them and to direct refunding of the same. Any claim for such refund shall be filed with the city recorder within one (1) year of the date of payment and shall be supported by proper documentation; otherwise the taxpayer shall not be entitled to a refund and the claim shall be barred. (as added by Ord. #18-01, May 2018 *Ch1\_11-10-20*)

# LAW ENFORCEMENT

#### **CHAPTER**

1. POLICE AND ARREST.

#### CHAPTER 1

# POLICE AND ARREST

#### **SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. When policemen to make arrests.
- 6-104. Policemen may require assistance in making arrests.
- 6-105. 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. (1996 Code, § 6-101)
- **6-102.** Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town. (1996 Code, § 6-102)
- **6-103.** When policemen to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:
- (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. (1996 Code, § 6-103)
- **6-104.** Policemen may require assistance in making arrests. 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

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

<sup>&</sup>lt;sup>1</sup>Municipal code reference

assistance is requested by the policeman and is reasonably necessary. (1996 Code, § 6-104)

- **6-105.** <u>Police department records</u>. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing:
- $(1) \qquad All \, known \, or \, reported \, of fenses \, and/or \, crimes \, committed \, within \, the \, corporate \, limits.$ 
  - (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1996 Code, § 6-105)

# FIRE PROTECTION AND FIREWORKS

#### **CHAPTER**

1. VOLUNTEER FIRE DEPARTMENT.

#### CHAPTER 1

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

#### **SECTION**

- 7-101. Establishment, equipment, and membership.
- 7-102. Objectives.
- 7-103. Organization, rules, and regulations.
- 7-104. Records and reports.
- 7-105. Tenure of members.
- 7-106. Chief responsible for training and maintenance.
- 7-107. Chief to be assistant to state officer.
- **7-101.** Establishment, equipment, and membership. There is hereby established a volunteer fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The volunteer fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1996 Code, § 7-101)
- **7-102.** <u>Objectives</u>. 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. (1996 Code, § 7-102)

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

<sup>&</sup>lt;sup>1</sup>Municipal code reference

- **7-103.** 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 volunteer fire department. (1996 Code, § 7-103)
- **7-104.** 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 mayor once each month, and at the end of the year a detailed annual report shall be made. (1996 Code, § 7-104)
- 7-105. <u>Tenure of members</u>. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. 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 to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen. (1996 Code, § 7-105)
- **7-106.** 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 volunteer 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. (1996 Code, § 7-106)
- 7-107. 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. (1996 Code, § 7-107)

# ALCOHOLIC BEVERAGES<sup>1</sup>

# **CHAPTER**

- 1. INTOXICATING LIQUORS.
- 2. BEER.

#### CHAPTER 1

# INTOXICATING LIQUORS

# **SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, sell, furnish, or solicit orders for any intoxicating liquor within the Town of Bell Buckle. "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. (1996 Code, § 8-101)

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

<sup>&</sup>lt;sup>2</sup>State law reference
<u>Tennessee Code Annotated</u>, title 39, chapter 17.

# 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. Limitation on number of permits.
- 8-211. Interference with public health, safety, and morals prohibited.
- 8-212. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-213. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-214. Revocation of beer permits.
- 8-215. Open containers.
- 8-216. Violations.

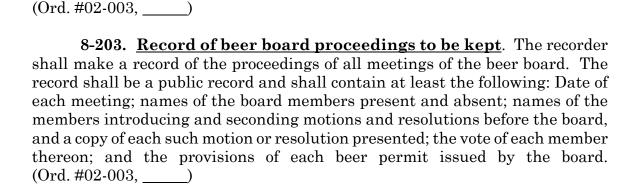
**8-201.** Beer board established. There is hereby established a beer board consisting of three (3) members to be appointed by the board of mayor and aldermen. Initially, one member shall be appointed for a one year term; a second member shall be appointed for a two (2) year term; and a third member shall be appointed for a three (3) year term. Thereafter, all appointments shall be for three-year terms. Only residents of the Town of Bell Buckle are eligible for appointment to the beer board. A chairman shall be elected annually by the beer board from among its members. All members of the beer board shall serve without compensation. (Ord. #02-003, \_\_\_\_\_)

Drinking beer on streets: § 11-101.

Taxes: title 5. State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in <u>Watkins v. Naifeh</u>, 635 S.W.2d 104 (1996).

<sup>&</sup>lt;sup>1</sup>Municipal code reference



shall be conducted in accordance with the state's open meeting law.

8-202. Meetings of the beer board. All meetings of the beer board

- 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. #02-003, \_\_\_\_\_)
- **8-205.** Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the Town of Bell Buckle in accordance with the provisions of this chapter. The beer board shall not deviate, alter, and/or amend, for any reason, this chapter as it is presently written. (Ord. #02-003, \_\_\_\_)
- **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. #02-003, \_\_\_\_)
- **8-207.** Permit required for engaging in beer business.<sup>2</sup> (1) It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer in the Town of Bell Buckle 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, § 57-5-104(a), shall be accompanied by a non-

<sup>&</sup>lt;sup>1</sup>State law reference <u>Tennessee Code Annotated</u>, § 57-5-106.

<sup>&</sup>lt;sup>2</sup>State law reference <u>Tennessee Code Annotated</u>, § 57-5-103.

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 Town of Bell Buckle. 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.

- (2) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint-stock company, syndicate, or association.
  - (3) A permit shall be valid:
  - (a) Only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty percent (50%) of the stock of the corporation is transferred to a new owner;
  - (b) Only for a single location and cannot be transferred to another location;
  - (c) Only for a business operating under the name identified in the permit application.
- (4) Where an owner operates two (2) or more businesses within the same building, the owner may in the owner's discretion operate some or all such businesses pursuant to the same permit.
  - (5) A business can sell beer for only off-premises consumption.
- (6) A permit holder must return a permit to the Town of Bell Buckle within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. (Ord. #02-003, \_\_\_\_\_)
- **8-208.** Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00) per year. 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 of each year to the Town of Bell Buckle, 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. #02-003, \_\_\_\_\_)
- **8-209.** Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, distributing, and manufacturing. (Ord. #02-003, \_\_\_\_)

<sup>&</sup>lt;sup>1</sup>State law reference

Tennessee Code Annotated, § 57-5-104(b).

- **8-210.** <u>Limitation on number of permits</u>. The number of licenses for the sale of beer shall be limited to three (3). (Ord. #02-003, \_\_\_\_)
- 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, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred (300) feet of any hospital, school, residence, church, licensed day care in the State of Tennessee, or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the properly line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the hospital, school, residence, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location as of January 1, 1993, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period after January 1, 1993. (Ord. #02-003,
- 8-212. <u>Issuance of permits to persons convicted of certain crimes prohibited</u>. 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. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (Ord. #02-003, \_\_\_\_)
- 8-213. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder to:
- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.
- (3) Make or allow the sale of beer between the hours of 12:00 Midnight and 6:00 A.M. on weekdays and between the hours of 12:00 Midnight Saturday and 12:00 noon on Sunday.

- (4) Make or allow any sale of beer to a person less than twenty-one (21) years of age.
- (5) Allow any person less than twenty-one (21) years of age to loiter in or about his place of business.
- (6) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
  - (7) Allow intoxicated persons to loiter about his premises.
  - (8) Allow the consumption of any alcoholic beverage on the premises.
  - (9) Allow pool or billiard playing in the same room where beer is sold.
- (10) Allow any open containers of alcoholic beverages on the said premises. (Ord. #02-003, \_\_\_\_)
- 8-214. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any member of the beer board, or mayor, and/or any alderman. (Ord. #02-003, \_\_\_\_\_)
- **8-215. Open containers**. No open containers of an alcoholic beverage shall be permitted upon the Town of Bell Buckle's right of way, streets, or public properties. (Ord. #02-003, \_\_\_\_)
- **8-216.** <u>Violations</u>. Any violation of this chapter shall constitute a civil offense, and shall, upon a finding of violation of this chapter, be punishable by a penalty of fifty dollars (\$50.00). Each violation of this chapter shall be considered a separate and distinct violation, and upon a finding of said violation, shall be punishable by a penalty of fifty dollars (\$50.00) per violation/occurrence, as well as other penalties enumerated herein; this chapter, as well as, any action may be taken that is applicable by the operation of law. (Ord. #02-003,

# BUSINESS, PEDDLERS, SOLICITORS, ETC.1

# **CHAPTER**

- 1. MISCELLANEOUS.
- 2. PEDDLERS, ETC.
- 3. CABLE TELEVISION.

# **CHAPTER 1**

# **MISCELLANEOUS**

# **SECTION**

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

9-101. "Going out of business" sales. It shall be unlawful for any person 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. (1996 Code, § 9-101)

<sup>1</sup>Municipal code references

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

# PEDDLERS, ETC.1

# **SECTION**

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Farmers market vendor fee.
- 9-204. Webb Craft Show.
- **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 from the mayor, recorder, or city clerk. No permit shall be used at any time by any person other than the one to whom it is issued. A penalty equal to the total permit fee may be assessed for nonpayment prior to the day of the event. (1996 Code, § 9-201, as amended by Ord. #06-006, Oct. 2006)
- **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, scholastic organizations or philanthropic organizations. (1996 Code, § 9-202)
- **9-203.** Farmers market vendor fee. The fee of thirty dollars (\$30.00) is established for vendors at the farmers market during the specified time annually. (as added by Ord. #15-001, May 2015 *Ch1\_11-10-20*)
- **9-204.** Webb Craft Show. (1) Increase vendor fees for Webb Show from twelve dollars fifty cents (\$12.50) per day to twenty dollars (\$20.00) per day for 2016.
- (2) Increase vendor fees again on top of 2016 increase two dollars fifty cents (\$2.50) per day starting in 2017 until fees are at fifty dollars (\$50.00).
- (3) The town will close town hall at noon on Friday before the show as that is the regular scheduled time to close. Staying open longer incurs more labor costs for town. Vendor permit fees will be doubled starting at noon on Friday rather than on Saturday.
- (4) The town will hire an inspector to go to all properties and check that all have purchased vendor fees on Saturday of the show.

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

- (5) The town will have the parking lot in front of the stores closed to only handicap parking, in addition to the post office parking lot.
- (6) Allow food vendors to purchase a vendor permit on Friday during set up
  - (7) Restrict burning during set up and the event weekend.
- (8) The town will not permit any oils, whether contained or; not, to be dispensed in any public trash receptacles within the Town of Bell Buckle. All cardboard must be broken down. Property owners who requests vendor permits will be held accountable for their vendors. Failure to comply may result in fines and/or loss of vendor permitting privileges for the property owner. (as added by Ord. #16-01, Jan. 2016  $Ch1_11-10-20$ , and replaced by Ord. #17-05,  $Ch1_11-10-20$ )

# **CABLE TELEVISION**

# **SECTION**

9-301. To be furnished under franchise.

**9-301.** To be furnished under franchise. Cable television service shall be furnished to the Town of Bell Buckle and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Bell Buckle and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup> (1996 Code, § 9-301)

<sup>&</sup>lt;sup>1</sup>For complete details relating to cable television franchise agreements see Ord. #63 dated August, 1985, and Ord. #00-001, Oct. 2000, in the office of the city recorder.

# ANIMAL CONTROL

# **CHAPTER**

1. IN GENERAL.

# **CHAPTER 1**

# IN GENERAL

- 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. Slaughtering prohibited.
- 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 animal, knowingly or negligently, to permit any of them to run at large, which being defined is any place except upon the premises of the owner. The animal shall not be considered running at large if it is on a leash and/or under control of a person physically able to control it. The town may call the Bedford County Animal Control to resolve a nuisance issue. Any expense incurred shall be reimbursed by the owner of the animal. (1996 Code, § 10-101, as replaced by Ord. #10-006, Dec. 2010 *Ch1\_11-10-20*)
- 10-102. <u>Keeping near a residence or business restricted</u>. No person shall keep or allow any other animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1996 Code, § 10-102)
- **10-103.** Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1996 Code, § 10-103)

- **10-104.** Adequate food, water, and shelter, etc., to be provided. As applied under Tennessee Code Annotated, § 39-14-202.
- 10-105. <u>Keeping in such manner as to become a nuisance</u> 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. (1996 Code, § 10-105)
- **10-106.** <u>Cruel treatment prohibited</u>. As applied under <u>Tennessee</u> <u>Code Annotated</u>, § 39-14-202.
- **10-107.** Slaughtering prohibited. It shall be unlawful for any person, firm, or corporation to slaughter or kill any livestock of any kind within the corporate limits. (1996 Code, § 10-107)
- **10-108.** <u>Inspections of premises</u>. For the purpose of making inspections to insure compliance with the provisions of this chapter, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1996 Code, § 10-108)

# MUNICIPAL OFFENSES<sup>1</sup>

# **CHAPTER**

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

#### **CHAPTER 1**

# ALCOHOL<sup>2</sup>

#### **SECTION**

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

11-101. <u>Drinking beer, etc., on streets, etc.</u> 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. (1996 Code, § 11-101)

Animals and fowls: title 10.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

<sup>&</sup>lt;sup>1</sup>Municipal code references

<sup>&</sup>lt;sup>2</sup>Municipal code reference

# FORTUNE TELLING, ETC.

# **SECTION**

11-201. Fortune telling, etc.

11-201. <u>Fortune telling, etc</u>. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1996 Code, § 11-201)

# OFFENSES AGAINST THE PEACE AND QUIET

- 11-301. Disturbing the peace.
- 11-302. Anti-noise regulations.
- 11-301. <u>Disturbing the peace</u>. 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. (1996 Code, § 11-401)
- 11-302. <u>Anti-noise regulations</u>. 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) <u>Miscellaneous prohibited noises enumerated</u>. 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 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.
- 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 sunrise and sunset 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 sunrise and sunset, 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 sunrise and sunset 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) <u>Exceptions</u>. None of the terms or prohibitions hereof shall apply to or be enforced against:
  - (a) Municipal vehicles. Any vehicle of the town while engaged upon necessary public business.
  - (b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the town, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
  - (c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1996 Code, § 11-402)

# INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

- 11-401. Impersonating a government officer or employee.
- 11-402. False emergency alarms.
- 11-401. <u>Impersonating a government officer or employee</u>. No person other than an official police officer of the town shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1996 Code, § 11-502)
- **11-402.** False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1996 Code, § 11-503)

# FIREARMS, WEAPONS AND MISSILES

- 11-501. Air rifles, etc.
- 11-502. Throwing missiles.
- 11-503. Discharge of firearms.
- 11-501. <u>Air rifles, etc</u>. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1996 Code, § 11-601)
- **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 automobile, building, tree, or other public or private property or upon or at any person. (1996 Code, § 11-602, modified)
- 11-503. <u>Discharge of firearms</u>. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1996 Code, § 11-603)

# TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

#### **SECTION**

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.
- **11-601.** <u>Trespassing</u>. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1996 Code, § 11-701)

- 11-602. <u>Trespassing on trains</u>. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1996 Code, § 11-702)
- 11-603. <u>Malicious mischief</u>. 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. (1996 Code, § 11-703)
- 11-604. <u>Interference with traffic</u>. 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. (1996 Code, § 11-704)

# **MISCELLANEOUS**

- 11-701. Caves, wells, cisterns, etc.
- 11-702. Posting notices, etc.
- 11-703. Curfew for minors.
- 11-704. Wearing masks.
- 11-701. <u>Caves, wells, cisterns, etc.</u> 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. (1996 Code, § 11-802)
- 11-702. <u>Posting notices, etc.</u> 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. (1996 Code, § 11-803)
- 11-703. <u>Curfew for minors</u>. 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. (1996 Code, § 11-804)
- 11-704. <u>Wearing masks</u>. 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. (1996 Code, § 11-805)

# TITLE 12 BUILDING, UTILITY, ETC. CODES [RESERVED FOR FUTURE USE]

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

#### **CHAPTER**

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

# **CHAPTER 1**

# **MISCELLANEOUS**

#### **SECTION**

- 13-101. Public officer/department.
- 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. Spitting on streets, etc.
- 13-108. Overgrown and dirty lots.
- 13-109. Violations and penalty.
- **13-101.** Public officer/department. The "public officer/department" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. (1996 Code, § 13-101, as amended by Ord. #08-005, \_\_\_\_)
- 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. (1996 Code, § 13-102)
- **13-103.** <u>Stagnant water</u>. 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. (1996 Code, § 13-103)

<sup>1</sup>Municipal code references Animal control: title 10.

Littering streets, etc.: § 16-104.

- 13-104. <u>Weeds</u>. 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. (1996 Code, § 13-104)
- 13-105. <u>Dead animals</u>. 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. (1996 Code, § 13-105)
- 13-106. <u>Health and sanitation nuisances</u>. 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. (1996 Code, § 13-106)
- **13-107.** Spitting on streets, etc. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1996 Code, § 13-107)
- 13-108. Overgrown and dirty lots. (1) Prohibition. Pursuant to the authority granted to municipalities under Tennessee Code Annotated, § 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals.
- (2) <u>Application</u>. The provisions of this section shall apply to any parcel of property upon which an owner or rental-occupied residence is located, as authorized by <u>Tennessee Code Annotated</u>, § 6-54-113.
- (3) <u>Designation of public officer or department</u>. The board of mayor and aldermen shall designate an appropriate department or person to enforce the provisions of this section.
- (4) Notice to property owner. It shall be the duty of the department or person designated by the board of mayor and aldermen to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids,

steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing, and shall, at the minimum, contain the following additional information:

- (a) A brief statement that the owner is in violation of § 13-108 of the Bell Buckle Municipal Code, which has been enacted under the authority of <u>Tennessee Code Annotated</u>, § 6-54-113, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;
- (b) The person, office, address, and telephone number of the department or person giving the notice;
- (c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and
- (d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.
- Clean-up at property owner's expense. If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the board of mayor and aldermen to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in the county, the cost shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.
- (6) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.
- (7) <u>Judicial review</u>. Any person aggrieved by an order or act of the board of mayor and aldermen under subsection (5) above may seek judicial

review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

- (8) <u>Supplemental nature of this section</u>. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #08-006, \_\_\_\_)
- **13-109.** <u>Violations and penalty</u>. Violations of this chapter shall be subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #08-006, June 2008)

# **JUNKYARDS**

#### **SECTION**

13-201. Junkyards.

- **13-201. Junkyards**. 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. (1996 Code, § 13-201)

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 <u>Hagaman v. Slaughter</u>, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

<sup>&</sup>lt;sup>1</sup>State law reference

# SLUM CLEARANCE<sup>1</sup>

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unfit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of order.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-301. <u>Findings of board</u>. The board of mayor and aldermen hereby determines that there exists structures in the Town of Bell Buckle which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city. (1996 Code, § 13-301)
- **13-302.** <u>Definitions</u>. (1) "Municipality" shall mean the Town of Bell Buckle, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.
- (2) "Governing body" shall mean the board of mayor and aldermen charged with governing the city.
- (3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.
- (4) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or

<sup>&</sup>lt;sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

state relating to health, fire, building regulations, or other activities concerning structures in the city. "Public authority" includes the board of mayor and aldermen.

- (5) "Owner" shall mean any holder of title in fee simple, or some portion of the fee simple title (such as a life tenant and the remainderman, both of whom would be considered an "owner" for this purpose) and any mortgagee of record.
- (6) "Parties of interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.
- (7) "Structures" shall mean any building or structure, or part thereof, used for human occupation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
- (8) The above definitions apply in plural as well as singular, and references to the masculine include the feminine or the collective neuter (such as to the board of mayor and aldermen). (1996 Code, § 13-302)
- 13-303. "Public officer" designated; powers. A "public officer" is hereby designated and appointed to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the "public officer". When the Town of Bell hires or appoints a building inspector, that building inspector shall be vested with the powers enumerated in this chapter. Until the Town of Bell Buckle hires or appoints a building inspector, the board of mayor and aldermen collectively shall exercise the powers of the "public officer". If the board of mayor and aldermen acts as the "public officer", its actions shall be by motion, second and vote as with any other official act of the board of mayor and aldermen. (1996 Code, § 13-303)
- **13-304. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, and parties in interest, of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or the public officer may designate that the hearing be held before the city judge or the recorder) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer. (1996 Code, § 13-304)

- 13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
- (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use; or
- (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1996 Code, § 13-305)
- 13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (1996 Code, § 13-306)
- 13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (1996 Code, § 13-307
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the property, owner and shall, upon the filing of the notice with the register's office of Bedford County, Tennessee, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be placed upon the tax rolls of the Town of Bell Buckle as a lien and shall be added to the property tax bills to be collected at the same time and in the same manner as delinquent property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent

property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure if reasonably practical and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Bedford County, Tennessee by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Bell Buckle to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1996 Code, § 13-308)

13-309. <u>Basis for a finding of unfitness</u>. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the Town of Bell Buckle; such conditions may include but are not limited to the following: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (1996 Code, § 13-309)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality or in general distribution throughout Bedford County, Tennessee. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Bedford County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1996 Code, § 13-310)

13-311. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such suit shall be filed in the chancery court within sixty (60) days after the posting and service of the order of the public officer.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (1996 Code, § 13-311)

- **13-312.** Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:
- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1996 Code, § 13-312)
- 13-313. <u>Powers conferred are supplemental</u>. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (1996 Code, § 13-313)

#### **TITLE 14**

# ZONING AND LAND USE CONTROL

## **CHAPTER**

- 1. MUNICIPAL PLANNING COMMISSION.
- 2. ZONING ORDINANCE.
- 3. STORMWATER DETENTION AND FLOODPLAIN MANAGEMENT ORDINANCE.

#### CHAPTER 1

# MUNICIPAL PLANNING COMMISSION

#### **SECTION**

- 14-101. Creation and membership.
- 14-102. Organization.
- 14-103. Powers and duties.
- 14-101. Creation and membership. A municipal planning commission of the Town of Bell Buckle is hereby created pursuant to Tennessee Code Annotated, § 13-4-101. The planning commission shall consist of five (5) members. Two (2) of these members shall be the mayor of Bell Buckle and another member of the board of mayor and aldermen selected by the board of mayor and aldermen. The other three (3) members shall be appointed by the mayor. The terms of the appointive members shall be for three years, except that, in the appointment of the first municipal planning commission, the terms of the three appointive members shall be for one, two, and three years, respectively, so that the term of one member shall expire each year. Any vacancy in an appointive member shall be filled for the unexpired term by the mayor, who, at his pleasure, shall have the authority to remove any appointive member. The terms of the mayor and the other member selected from the board of mayor and aldermen shall run concurrently with their membership on the board of mayor and aldermen. All members of the planning commission shall serve as such without compensation. (1996 Code, § 14-101)
- 14-102. <u>Organization</u>. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with <u>Tennessee Code Annotated</u>, title 13. The commission shall elect its chairman from among its appointive members, and it also shall elect a vice chairman and a secretary from among its membership. The terms of all officers shall be for one year, with eligibility for reelection. The commission shall adopt such rules of procedure and organization as may be necessary to effectuate this chapter and to perform its functions as prescribed by state law and it shall keep an official public record

of its meetings, transactions, findings, and determinations. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with town planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose of the board of mayor and aldermen. (1996 Code, § 14-102)

14-103. <u>Powers and duties</u>. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then the commission shall have all the powers, duties, and responsibilities as set forth in <u>Tennessee Code Annotated</u>, title 13 and any other laws relating to the duties and powers of municipal planning commissions. (1996 Code, § 14-103)

# ZONING ORDINANCE

# **SECTION**

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

14-201. <u>Land use to be governed by zoning ordinance</u>. Land use within the Town of Bell Buckle shall be governed by Ordinance Number 60, titled "Zoning Ordinance of Bell Buckle, Tennessee," and any amendments thereto.<sup>1</sup> (1996 Code, § 14-201)

<sup>&</sup>lt;sup>1</sup>Ordinance No. 60, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

# STORMWATER DETENTION AND FLOODPLAIN MANAGEMENT ORDINANCE

#### SECTION

- 14-301. General provisions.
- 14-302. Definitions.
- 14-303. Grading permits.
- 14-304. Stormwater system design and management standards.
- 14-305. Post construction.
- 14-306. General prohibitions.
- 14-307. Floodway/floodway fringe requirements.
- 14-308. Enforcement.
- 14-309. Penalties.
- 14-310. Appeals.
- 14-311. Variances.
- 14-312. Funding mechanisms.
- 14-313. Fee schedule.

# **14-301.** General provisions. (1) <u>Purpose</u>. It is the purpose of this ordinance to:

- (a) Protect, maintain, and enhance the environment of the Town of Bell Buckle and the public health, safety and the general welfare of the citizens of the town, by controlling discharges of stormwater to the town's stormwater system.
- (b) Allow the Town of Bell Buckle to exercise the powers granted in <u>Tennessee Code Annotated</u>, § 68-221-1105 and the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition).
  - (i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
  - (ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
  - (iii) Establish standards to regulate the quantity of stormwater discharged as may be necessary to protect the storm water system and downstream properties;
  - (iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial/industrial developments;

- (v) Issue permits for grading work that has the potential to effect stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
- (vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.
- (2) <u>Administering entity</u>. The governing body of the Town of Bell Buckle shall administer the provisions of this ordinance. (Ord. #06-002, \_\_\_\_\_)
- 14-302. <u>Definitions</u>. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.
- (1) As built plans" means drawings depicting conditions as they were actually constructed.
- (2) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any give year (the 100-year flood).
- (3) "Base flood elevation" means the water-surface elevation associated with the base flood.
- (4) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (5) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Town of Bell Buckle.
- (6) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- (7) "Easement" means an acquired privilege or right to use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
- (8) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- (9) "Floodway fringe" means the area between the floodway boundary and the 100-year floodplain boundary.
- (10) "Governing body" means the Bell Buckle Board of Mayor and Aldermen.
- (11) "Grading plan" means a written plan (including drawings or other graphic representations) that is designed to depict both pre and post construction contours of a site where construction activities are planned.

- (12) "Grading permit" means a permit issued by the governing body to allow land disturbing activity as defined below in compliance with a grading plan as defined above.
- (13) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- (14) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, construction, reconstruction, grading, filling, and excavation.
- (15) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (16) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (17) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (18) "Person" means any and all persons, 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.
- (19) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.
- (20) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from the site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
- (21) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (22) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
- (23) "Stormwater management facilities" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated, or disposed of.
- (24) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation or snow melt.

- (25) "Structural BMP's" means devices that are constructed to provide control of stormwater runoff.
- (26) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (27) "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- (28) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (29) "Watershed" means all the land area that contributes runoff to a particular watercourse. (Ord. #06-002, \_\_\_\_\_)
- **14-303.** <u>Grading permits</u>. (1) <u>When required</u>. Every person will be required to obtain a grading permit from the Town of Bell Buckle in the following cases: (The grading permit shall be obtained prior to any land disturbing activity taking place.)
  - (a) Land disturbing activity for subdivision development purposes;
  - (b) Land disturbing activity for commercial or industrial development purposes;
  - (c) Land disturbing activity that falls within the floodway or floodway fringe as defined in this ordinance.
  - (d) Land disturbing activity that, in the opinion of the Town of Bell Buckle codes enforcement officer or town engineer, has the potential to adversely affect the storm drainage system downstream.
- (2) <u>Building permit</u>. No building permit shall be issued until the applicant has obtained a grading permit where the same is required by this ordinance.
- (3) <u>Exemptions</u>. The following activities are exempt from the permit requirement:
  - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
  - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (4) <u>Application for a grading permit</u>. Each application for a grading permit shall contain the following:
  - (a) Name of applicant;
  - (b) Business or residence address of applicant;
  - (c) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
  - (d) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

- (e) Name, address and telephone number of the contractor (if known) and any subcontractors who shall perform the land disturbing activity and who shall implement the grading plan;
- (f) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
  - (g) Each application shall be accompanied by:
    - (i) A grading plan as described within this ordinance;
  - (ii) Permit review and inspection fees, as set by this ordinance.
- (5) Review and approval of application. The Town of Bell Buckle will review each application for a grading permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the governing body shall provide one of the following responses in writing:
  - (a) Approval of the permit application;
  - (b) Approval of the permit application with conditions; subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
  - (c) Denial of the permit application, indicating the reason(s) for the denial.

If the Town of Bell Buckle has granted approval of the permit with conditions, the applicant shall submit a revised plan that conforms to the conditions established by the town, within fourteen (14) days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to the conditions established by the town.

No development plans (or building permit, if required) will be released until the grading permit has been approved.

- (6) <u>Permit duration</u>. Every grading permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion.
- (7) Performance bonds. The Town of Bell Buckle may require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved grading plan. The amount of the performance bond shall be the total estimated construction cost of the permanent infrastructure approved under the permit plus any reasonably foreseeable additional related costs. The town may also require the submittal of a performance bond at any point during construction in an amount sufficient

to cover all remaining items that have not yet been constructed. The performance bond shall contain forfeiture provisions for failure to complete work specified in the grading plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Town of Bell Buckle. The town shall have the right to calculate the estimated cost of construction for the purpose of determining the required performance bond amount.

The performance bond shall be released in full only upon submission of as-built plans (if requested) and written certification by a registered professional engineer licensed to practice in Tennessee that the infrastructure has been installed in accordance with the approved plan and other applicable provisions of this ordinance. Partial releases of the performance bond, based on the completion of various stages of construction, can be made at the discretion of the Town of Bell Buckle. (Ord. #06-002, \_\_\_\_\_)

# 14-304. Stormwater system design and management standards.

- (1) <u>General performance criteria for stormwater management</u>. Unless judged by the Town of Bell Buckle to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:
  - (a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
  - (b) The permanent hydrologic data for each sub-area including total land area, appropriate runoff co-efficient, time of concentrations as calculated using the SCS-TR-55 method or approved equal, total runoff for the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events for each area using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Nashville, Tennessee intensity-duration-frequency curves shall be used for runoff calculations if local data is not available.
  - (c) Hydraulic capacity of existing and proposed storm water conveyance structures and channels located on the site and off-site (two structures downstream) using Mannings Formula. Each structure or channel shall be capable of passing the referenced event without surcharge:
    - (i) Twenty-five (25) year design storm--Residential areas, minor street culverts.

- (ii) Fifty (50) year design storm--Major drainage channels (existing "blue-line" or intermittent streams), collector and minor arterial street culverts.
- (iii) One hundred (100) year design storm--Major arterial street culverts.

Each drainage structure and/or channel shall be designed to not cause flooding of any structure during the one-hundred (100) year event.

- (d) Net pre-construction and post construction runoff exiting the site resulting from the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Runoff velocities shall also be determined.
- (e) Detention pond inflow/outflow calculations for the two (2), five (5), twenty-five (25), and one hundred (100) years storm events. Detention calculations shall include stage-storage calculations, elevation-discharge calculations, inflow hydrograph development, routing calculations, and discharge calculations. A one (1) foot minimum freeboard shall be maintained for each design storm event in the detention basin design. The design shall ensure post-development discharge rates do not exceed pre-development discharge rates for the two (2), five (5), and twenty-five (25) year storm events. The design shall ensure that the post-development discharge for the one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary, but not necessarily equaling pre-development discharge rates.
- (f) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty (20) calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- (2) <u>Grading plan requirements</u>. The grading plan shall include sufficient information to allow the Town of Bell Buckle to evaluate the physical characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal, the grading plan shall include the following:
  - (a) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
  - (b) Topographic base map. A topographic base map of the site, at appropriate scale, which extends a minimum of one hundred (100) feet beyond the limits of the proposed development and indicates:

- (i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures; floodplain and/or floodway as shown on the FEMA Flood Insurance Rate Maps (FIRM);
- (ii) Current land use including all existing structures, locations of utilities, roads, and easements; proposed structures; location and identification of any proposed additional buildings, structures or development on the site;
- (iii) All other existing significant natural and artificial features:
- (iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- (v) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity;
- (vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (c) Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 14-304(1) of this chapter will be required. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance. Such calculations shall include:
  - (i) A description of the design storm frequency, duration, and intensity where applicable;
    - (ii) Time of concentration;
  - (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
  - (iv) Peak runoff rates and total runoff volumes for each watershed area:
    - (v) Infiltration rates, where applicable;
  - (vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capabilities;
    - (vii) Flow velocities;
  - (viii) Data on the increase in rate and volume of runoff for the design storms referenced in § 14-304(1); and
  - (ix) Documentation of sources for all computational methods and field test results.
- (d) Maintenance easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on

the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

- (e) Maintenance agreement. (i) The Town of Bell Buckle may require the owner of property to be served by an on-site stormwater management facility to execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
  - (ii) The maintenance agreement shall:
  - (A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
  - (B) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. It shall also grant permission to the town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
  - (C) Provide that the minimum maintenance and repair needs include, but are not limited to: removal of silt, litter and other debris, the cutting of grass, the replacement of landscape vegetation, and all additional maintenance and repair needs consistent with the needs and standards outlined in this ordinance.
  - (D) Provide that maintenance needs must be addressed in a timely manner.
  - (E) Provide that if the property is not maintained or repaired within a timely manner, the Town of Bell Buckle shall have the right to perform the maintenance and repair at its expense, and bill the same to the property owner. (Ord. #06-002, \_\_\_\_)
- 14-305. <u>Post construction</u>. (1) <u>As built plans</u>. The Town of Bell Buckle may require a permittee to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. As built plans will generally only be required when approved changes were made to stormwater management facilities during the construction process. No changes shall be made at any point after the approval and issuance of a grading plan without prior approval from the Town of Bell Buckle.

- (2) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the Town of Bell Buckle upon request.
- (3) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the Town of Bell Buckle, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town of Bell Buckle shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible party shall effect maintenance and repair of the facility in an approved manner in a time period set by the Town of Bell Buckle. In the event that corrective action is not undertaken within that time, the Town of Bell Buckle may take necessary corrective action. The cost of any action taken by the Town of Bell Buckle under this section shall be charged to the responsible party. (Ord. #06-002, \_\_\_\_\_)
- 14-306. General prohibitions. (1) Blockage of watercourses or drains. It shall be unlawful for any person to dump refuse of any nature (including grass clippings, leaves, brush, garbage, scrap, or any other refuse) into a stream, ditch, storm sewer, or any other drain within the town or to place such refuse or cause such refuse to be placed in a manner in which it is likely to enter into any stream, ditch, storm sewer, or other drain either by natural or other means. It shall be unlawful to block a watercourse or drain by constructing a fence over the drain in any manner that restricts flow or that can catch debris, thus restricting flow.
- (2) Alteration of watercourses or drains. It shall be unlawful for any person to cause, permit, or allow the alteration of any stream, ditch, storm sewer or any other drain without written approval from the Town of Bell Buckle and the acquisition of any state permits that may be necessary for the performance of the alterations. Alterations may include, but not be limited to, a change in direction of flow, the addition of a structure such as a culvert or a bridge, or a change in size of a channel or pipe.
- (3) <u>Construction site waste</u>. It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck washout, chemicals, litter, sanitary waste, or any other potential pollutants in a manner that may cause adverse impacts to the stormwater management system of the Town of Bell Buckle. (Ord. #06-002, \_\_\_\_\_)

- 14-307. <u>Floodway/floodway fringe requirements</u>. (1) <u>Purpose</u>. It is the purpose of this section to promote the public health, safety, and the general welfare, and to minimize public and private losses due to flood conditions in specific areas. This section is designed to:
  - (a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or flow velocities;
  - (b) Control filling, grading, dredging and other development which may increase erosion or flood damage;
  - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters:
  - (d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.
- (2) <u>Flood districts</u>. The Town of Bell Buckle shall recognize two (2) distinct flood districts within the boundaries of the municipality. The two (2) flood districts are described as follows:
  - (a) Floodway district. The floodway shall be described as that area including the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. The floodway district shall be defined in one (1) of the two (2) following ways:
    - (i) Most streams within the Town of Bell Buckle have not been mapped by the Federal Emergency Management Agency (FEMA) to show the floodway and other flood districts. Where FEMA has established the floodway on official community panel maps, then the town shall use the floodway designation provided by FEMA.
    - (ii) For those streams where the floodway has not been mapped by FEMA, the floodway shall be defined as an area on each side of the stream that is equal to two widths of the stream. The floodway area shall be measured from the edge of water when the stream is at normal flow conditions.
  - (b) Floodway fringe district. The floodway fringe district shall be described as the area between the floodway boundary and the 100-year floodplain boundary. The flood fringe district shall be defined in one (1) of the two (2) following ways.
    - (i) Most streams within the Town of Bell Buckle have not been mapped by FEMA to show the 100-year floodplain boundary and the floodway. Where FEMA has established the 100-year floodplain boundary on official community panel maps, then the town shall use the flood fringe designation provided by FEMA.

- (ii) Areas designated as Zone A on the community panel maps are an approximation of the 100-year floodplain boundary, but no base flood elevation has been established. For those areas designated on the community panel maps as zone A, the 100-year floodplain shall be designated as an area that extends one hundred (100) feet, in every direction, beyond the zone A area shown.
- (iii) The area designated as floodway fringe on unmapped streams may be challenged by the applicant for any grading permit. The applicant may choose to determine a base flood elevation for the area using one of the methods described in FEMA Manual 265, titled "Managing Floodplain Development in Approximate Zone A Areas--A Guide for Obtaining and Developing Base Flood Elevations," dated April 1995. All data utilized to obtain the base flood elevation shall be submitted to the Town of Bell Buckle for review and approval.
- (3) <u>Generally acceptable uses in flood prone districts</u>. All land disturbing activities require that a permit application be submitted to the Town of Bell Buckle, but in general, the following types of activities will be considered for approval within flood prone districts:
  - (a) Floodway district. Land use activities are highly restricted within floodway districts. Only land use activities that do not result in a restriction to the flows of the floodway will be accepted. Typical uses that can be approved within the floodway district include projects such as sidewalks, underground utilities, and certain types of recreational facilities.
  - (b) Flood fringe district. Land disturbance activities are much less restricted within the flood fringe district but will require that certain conditions be met as a part of the development. Land use activities in the flood fringe district can include the construction of structures, including those that are intended for housing purposes.
- (4) <u>Permit requirements</u>. All proposed land disturbance activities within either of the flood districts will require that a grading permit be issued prior to the start of construction. In addition to the requirements of § 14-304(2) of this chapter, the following information shall be provided with the permit application:
  - (a) Floodway district. For proposed developments within the floodway district to be considered, the application must satisfactorily demonstrate that the project will have no effect on the base flood elevations of the floodway either during or after construction. Developments that include above ground structures or fill material will not generally be accepted.
  - (b) Flood fringe district. For proposed developments within the flood fringe district, the application shall demonstrate how the following conditions will be met:

- (i) All fill material that is placed in the flood fringe at or below the base flood elevation must be offset by an equal volume of cut material removed from the same elevation as the fill and must be removed from the flood fringe area completely.
- (ii) No building or structure shall be erected and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed at least one (1) foot above the base flood elevation. An elevation certificate shall be submitted and approved. If the base flood elevation is unknown, then the main floor shall be at least three (3) feet above the highest adjacent grade. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor. Foundations of all structures shall be designed and constructed to withstand flood conditions at the site.
- (iii) Fill material placed for a structure shall extend twenty-five (25) feet beyond the limits of any structure erected thereon. Minimum fill elevation shall be to at least the base flood elevation. Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal unless steeper slopes are justified and approved by the Town of Bell Buckle.
- (5) <u>General standards</u>. In all flood prone areas the following provisions are required:
  - (a) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure:
  - (b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (c) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced. (Ord. #06-002, \_\_\_\_\_)
- **14-308.** Enforcement. (1) Enforcement authority. The Governing Body of the Town of Bell Buckle or their designees shall have the authority to issue stop work orders and to impose the civil penalties provided in this section.
- (2) Stop work orders. Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the town is authorized to issue a stop work order that requires construction activity to stop immediately so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The town may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property. (Ord. #06-002, \_\_\_\_\_)
- 14-309. <u>Penalties</u>. (1) <u>Violations</u>. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Town of Bell Buckle, shall be guilty of a civil offense.
- (2) <u>Penalties</u>. Under the authority provided in <u>Tennessee Code</u> <u>Annotated</u>, § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the governing

body of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

- (3) <u>Measuring civil penalties</u>. In assessing a civil penalty, the governing body may consider the following:
  - (a) The harm done to public health or the stormwater management system;
  - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
    - (c) The economic benefit, if any, gained by the violator;
  - (d) The amount of effort put forth by the violator to remedy the violation;
  - (e) Any unusual or extraordinary enforcement costs incurred by the municipality.
- (4) Recovery of damages and costs. In addition to the civil penalty, the municipality may recover all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- (5) <u>Remedies cumulative</u>. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (Ord. #06-002, \_\_\_\_)
- 14-310. <u>Appeals</u>. Pursuant to <u>Tennessee Code Annotated</u>, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the governing body.
- (1) <u>Appeals to be in writing</u>. The appeal shall be in writing and filed with the town recorder within thirty (30) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2) <u>Public hearing</u>. Upon receipt of an appeal, the governing body shall hold a public hearing within thirty (30) days. At least ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body shall be final.
- (3) <u>Appealing decisions of the governing body</u>. Any alleged violator may appeal a decision of the governing body pursuant to the provisions of <u>Tennessee Code Annotated</u>, title 27, chapter 8. (Ord. #06-002, \_\_\_\_)
- **14-311.** <u>Variances</u>. The governing body may grant variances from the requirements of this ordinance where it is determined that the variance will not

pose a risk to public health and will not substantially increase the flooding potential of the Town of Bell Buckle. Requests for variances shall accompany the grading permit application and shall generally include a description of the need for the variance and any supporting data that is required to demonstrate that the variance will not cause increased hazards. Variances shall be issued in compliance with the guidelines of Section 60.6 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (latest edition). (Ord. #06-002, \_\_\_\_\_)

- **14-312.** <u>Funding mechanisms</u>. Funding for the stormwater management activities described in this ordinance may include, but not be limited to, the following:
  - (1) Permit and inspection fees;
  - (2) Civil penalties and damage assessments.

To the extent that the above listed revenues are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such town funds as may be determined by the municipality's governing body. (Ord. #06-002, \_\_\_\_)

**14-313.** <u>Fee schedule</u>. (1) <u>Permit review and inspection fees</u>. A fee shall be assessed for each grading permit as set forth in the town's fee schedule.

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage. (Ord. #06-002,

#### **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**

# MISCELLANEOUS<sup>2</sup>

## **SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Unlaned streets.
- 15-104. Laned streets.
- 15-105. Yellow lines.
- 15-106. Miscellaneous traffic-control signs, etc.
- 15-107. General requirements for traffic-control signs, etc.
- 15-108. Unauthorized traffic-control signs, etc.
- 15-109. Presumption with respect to traffic-control signs, etc.
- 15-110. School safety patrols.
- 15-111. Driving through funerals or other processions.
- 15-112. Clinging to vehicles in motion.

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

Under <u>Tennessee Code Annotated</u>, § 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 <u>Tennessee Code Annotated</u>, § 55-10-401; failing to stop after a traffic accident, as prohibited by <u>Tennessee Code Annotated</u>, § 55-10-101, <u>et seq.</u>; driving while license is suspended or revoked, as prohibited by <u>Tennessee Code Annotated</u>, § 55-7-116; and drag racing, as prohibited by <u>Tennessee Code Annotated</u>, § 55-10-501.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

<sup>&</sup>lt;sup>2</sup>State law references

- 15-113. Riding on outside of vehicles.
- 15-114. Backing vehicles.
- 15-115. Projections from the rear of vehicles.
- 15-116. Causing unnecessary noise.
- 15-117. Vehicles and operators to be licensed.
- 15-118. Passing.
- 15-119. Damaging pavements.
- 15-120. Bicycle riders, etc.
- 15-121. Reckless driving.
- 15-122. Adoption of state traffic statutes.
- 15-101. <u>Motor vehicle requirements</u>. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by <u>Tennessee Code Annotated</u>, title 55, chapter 9. (1996 Code, § 15-101)
- **15-102.** <u>Driving on streets closed for repairs, etc</u>. 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. (1996 Code, § 15-102)
- **15-103.** <u>Unlaned streets</u>. (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.
- (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. (1996 Code, § 15-103)
- **15-104.** <u>Laned streets</u>. 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. (1996 Code, § 15-104)

- 15-105. <u>Yellow lines</u>. 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. (1996 Code, § 15-105)
- **15-106.** <u>Miscellaneous traffic-control signs, etc</u>.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1996 Code, § 15-106)

- 15-107. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. (1996 Code, § 15-107, modified)
- 15-108. <u>Unauthorized traffic-control signs, etc.</u> 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. (1996 Code, § 15-108)

#### 15-109. Presumption with respect to traffic-control signs, etc.

(1) 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.

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

<sup>&</sup>lt;sup>1</sup>Municipal code references

<sup>&</sup>lt;sup>2</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

- (2) Pursuant to <u>Tennessee Code Annotated</u>, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the <u>Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways</u>, and shall be uniform as to type and location throughout the city. (1996 Code, § 15-109, modified)
- 15-110. <u>School safety patrols</u>. 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. (1996 Code, § 15-110)
- 15-111. <u>Driving through funerals or other processions</u>. 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. (1996 Code, § 15-111)
- **15-112.** Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1996 Code, § 15-112)
- 15-113. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1996 Code, § 15-113)
- **15-114.** <u>Backing vehicles</u>. 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. (1996 Code, § 15-114)
- **15-115.** <u>Projections from the rear of vehicles</u>. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or

<sup>&</sup>lt;sup>1</sup>For the latest revision of the <u>Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways</u>, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, <u>et seq</u>.

body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1996 Code, § 15-115)

- **15-116.** <u>Causing unnecessary noise</u>. 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. (1996 Code, § 15-116)
- 15-117. <u>Vehicles and operators to be licensed</u>. 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." (1996 Code, § 15-117)
- **15-118.** Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right. When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1996 Code, § 15-118)

**15-119.** <u>Damaging pavements</u>. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise,

which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1996 Code, § 15-119)

**15-120.** <u>Bicycle riders, etc</u>. Every person riding or operating a bicycle, motor cycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

No person operating a bicycle, motorcycle, or motor scooter 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, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1996 Code, § 15-120)

**15-121.** <u>Reckless driving</u>. 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. (1996 Code, § 15-121)

**15-122.** Adoption of state traffic statutes. As authorized by Tennessee Code Annotated, § 16-18-302, the Town of Bell Buckle 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, and §§ 55-8-133 through 55-8-180. Additionally, the board of mayor and aldermen adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, and § 55-12-130 by reference as if fully set forth in this section. (Ord. #08-003, \_\_\_\_)

# **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.** <u>Authorized emergency vehicles defined</u>. 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. (1996 Code, § 15-201)
- **15-202.** Operation of authorized emergency vehicles. <sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.
- (2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.
- (3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 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. (1996 Code, § 15-202)

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

<sup>&</sup>lt;sup>1</sup>Municipal code reference

- **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. (1996 Code, § 15-203)
- **15-204.** Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1996 Code, § 15-204)

#### SPEED LIMITS

#### **SECTION**

- 15-301. In general.
- 15-302. At intersections.
- 15-303. In school zones.
- 15-304. In congested areas.
- **15-301.** <u>In general</u>. 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 twenty-five (25) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1996 Code, § 15-301)
- **15-302.** At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1996 Code, § 15-302)
- 15-303. <u>In school zones</u>. Generally, pursuant to <u>Tennessee Code Annotated</u>, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. Speed limits enacted pursuant to this paragraph shall not apply at school entrances and exits to and from controlled access highways on the system of state highways.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1996 Code, § 15-303, modified)

**15-304.** <u>In congested areas</u>. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the town. (1996 Code, § 15-304)

# 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. (1996 Code, § 15-401)
- **15-402.** <u>Right turns</u>. 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. (1996 Code, § 15-402)
- 15-403. <u>Left turns on two-way roadways</u>. 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. (1996 Code, § 15-403)
- 15-404. <u>Left turns on other than two-way roadways</u>. 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. (1996 Code, § 15-404)
  - **15-405.** <u>U-turns</u>. U-turns are prohibited. (1996 Code, § 15-405)

<sup>&</sup>lt;sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

# STOPPING AND YIELDING

## **SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. Stops to be signaled.
- 15-501. Upon approach of authorized emergency vehicles. <sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. <sup>2</sup> (1996 Code, § 15-501)
- 15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1996 Code, § § 15-502)
- **15-503.** To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting

<sup>&</sup>lt;sup>1</sup>Municipal code reference

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

<sup>&</sup>lt;sup>2</sup>State law reference

Pursuant to <u>Tennessee Code Annotated</u>, § 55-8-132, this offense requires punishment greater than a Class A misdemeanor and is therefore enforced through state and county court.

street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1996 Code, § § 15-503)

- **15-504.** At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:
- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1996 Code, § § 15-504)
- **15-505.** At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1996 Code, § § 15-505)
- **15-506.** At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1996 Code, § § 15-506)
- **15-507.** At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:
  - (1) Green alone, or "Go":
  - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
  - (2) <u>Steady yellow alone, or "Caution"</u>:
  - (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.
- (3) Steady red alone, or "Stop":
- (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, 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 town at intersections which the town decides require no right turns on red in the interest of traffic safety.
  - (b) Pedestrians facing such signal shall not enter the roadway.
- (4) Steady red with green arrow:
- (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
  - (b) Pedestrians facing such signal shall not enter the roadway.
- (5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made a vehicle length short of the signal. (1996 Code, § § 15-507)
- **15-508.** At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town, it shall require obedience by vehicular traffic as follows:
  - (a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if there is no crosswalk or limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- (2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1996 Code, § 15-508)
- **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, except in an emergency. (1996 Code, § 15-509)

<sup>&</sup>lt;sup>1</sup>State law reference <u>Tennessee Code Annotated</u>, § 55-8-143.

#### **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.** <u>Generally</u>. 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 the Town of Bell Buckle 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.

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. (1996 Code, § § 15-601)

- 15-602. <u>Angle parking</u>. On those streets which have been signed or marked by the town for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1996 Code, § 15-602)
- 15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1996 Code, § 15-603)
- **15-604.** Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, nor:
  - (1) On a sidewalk:

- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen (15) feet thereof;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty (50) feet of a railroad crossing;
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (10) Upon any bridge;
- (11) Alongside any curb painted yellow or red by the town. (1996 Code,  $\S$  15-604)
- **15-605.** Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone. (1996 Code, § 15-605)
- **15-606.** <u>Presumption with respect to illegal parking</u>. 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. (1996 Code, § 15-606)

## **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. <u>Issuance of traffic citations</u>.<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1996 Code, § 15-701)
- **15-702.** <u>Failure to obey citation</u>. 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. (1996 Code, § 15-702)
- 15-703. <u>Illegal parking</u>. 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. (1996 Code, § 15-703)
- **15-704.** <u>Impoundment of vehicles</u>. 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

<sup>&</sup>lt;sup>1</sup>State law reference

<sup>&</sup>lt;u>Tennessee Code Annotated</u>, § 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 it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage costs shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1996 Code, § 15-704)

- **15-705.** <u>Disposal of abandoned motor vehicles.</u> "Abandoned motor vehicles," as defined in <u>Tennessee Code Annotated</u>, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of <u>Tennessee Code Annotated</u>, §§ 55-16-103 through 55-16-109. (1996 Code, § 15-705)
- **15-706.** <u>Violation and penalty</u>. Any violation of this <u>title</u> shall be a civil offense punishable as follows:
- (1) <u>Traffic citations</u>. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.
- (2) <u>Parking citations</u>. For parking violations, excluding handicapped parking violations, the offender may waive his right to a hearing and have the charges disposed of without a hearing, but the fines shall be three dollars (\$3.00) within ten (10) days and five dollars (\$5.00) thereafter. (1996 Code, § 15-706)

#### **TITLE 16**

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

# **CHAPTER**

1. MISCELLANEOUS.

#### CHAPTER 1

# **MISCELLANEOUS**

#### **SECTION**

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

# 16-101. 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. (1996 Code, § 16-101)

- **16-102.** Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1996 Code, § 16-102)
- 16-103. 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. (1996 Code, § 16-103)

Related motor vehicle and traffic regulations: title 15.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

- 16-104. <u>Littering streets, alleys, or sidewalks prohibited</u>. 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. (1996 Code, § 16-104)
- **16-105.** 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. (1996 Code, § 16-105)
- 16-106. 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. (1996 Code, § 16-106)
- 16-107. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1996 Code, § 16-107)
- 16-108. 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. (1996 Code, § 16-108)
- **16-109.** 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. (1996 Code, § 16-109)

#### **TITLE 17**

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

#### **CHAPTER**

1. REFUSE.

#### CHAPTER 1

## **REFUSE**

#### **SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Disturbing containers.
- 17-101. <u>Refuse defined</u>. 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. (1996 Code, § 17-101)
- 17-102. <u>Premises to be kept clean</u>. All persons within the town are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1996 Code, § 17-102)
- 17-103. <u>Storage</u>. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. (1996 Code, §17-103)
- 17-104. <u>Disturbing containers</u>. 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. (1996 Code, § 17-104)

Property maintenance regulations: title 13.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

# **TITLE 18**

# WATER AND SEWERS<sup>1</sup>

# **CHAPTER**

- 1. WATER SYSTEM RULES AND REGULATIONS.
- 2. SUPPLEMENTARY SEWER REGULATIONS.
- 3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
- 4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
- 5. FATS, OILS, AND GREASE; SOIL/SAND AND LINT TRAPS AND INTERCEPTORS.

## CHAPTER 1

# WATER SYSTEM RULES AND REGULATIONS

#### **SECTION**

- 18-101. Purpose.
- 18-102. Definitions.
- 18-103. Water service contract.
- 18-104. Water taps.
- 18-105. System development.
- 18-106. Customer service lines.
- 18-107. Pressure regulator device.
- 18-108. Damages to property due to water pressure.
- 18-109. Customer cut-off device.
- 18-110. Non-participation in a water line extension.
- 18-111. Minimum bill.
- 18-112. Forfeited discount.
- 18-113. Forfeiture of water taps.
- 18-114. Service calls.
- 18-115. Billing frequency.
- 18-116. Billing due date.
- 18-117. Returned checks.
- 18-118. Rental property.
- 18-119. Failure to receive bill.
- 18-120. Termination of service by customer.

<sup>1</sup>Municipal references

Building, utility and housing codes: title 12.

Cross connections: title 18. Refuse disposal: title 17.

Wastewater treatment: title 18.

- 18-121. Adjustments to bills/leak adjustments.
- 18-122. Discontinuance of service (cut-offs).
- 18-123. Multiple connections to one (1) meter.
- 18-124. Theft of service.
- 18-125. Shortages and emergencies.
- 18-126. Cross-connections.
- 18-127. Water line extensions.
- 18-128. Subdivisions and developers.
- 18-129. Easements.
- 18-130. Liability for cut-off failures.
- 18-131. Unauthorized use of or interference with water supply.
- 18-132. No liability for damages resulting from discontinuing water service.
- 18-133. Limited use of unmetered private line.
- 18-134. Schedule of rates and charges.
- **18-101. Purpose**. Water will be furnished subject to the rules and regulations of the Board of Mayor and Aldermen of the Town of Bell Buckle Tennessee, which rules and regulations, as well as any rules and regulations hereinafter amended, modified, or promulgated, are made a part of every application, contract and agreement entered into between the property owner or customer and the water system. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 **Ch1\_11-10-20**)
- **18-102.** <u>Definitions</u>. (1) "Apartment house." An "apartment house" is a building housing three (3) or more families or three (3) or more households.
- (2) "Customer." The word "customer" will be used in these rules and regulations to designate a person, firm or corporation contracting with the water system for the furnishing of water to property.
- (3) "Property." The word "property" shall mean, except where otherwise specified:
  - (a) A building under one (1) roof and ownership and occupied by one (1) business or as one (1) residence. This includes mobile homes in trailer parks as defined in subsection (4).
  - (b) One (1) or more buildings on a single tract of land, all under one (1) ownership and occupied by one (1) family or business.
  - (c) One (1) side of a double house having a solid vertical partition wall.
- (4) "Service connection." The phrase "service connection" will be used in these rules and regulations to designate the tap on the main, together with that portion of the line extending from the tap to the meter: in those installations where the meter is set at or near the property line on the street, highway or right-of-way on which the main is located, only the portion of the line extending from the tap to and including the meter shall be included as part of the service connection.

- (5) "Trailer park." A "trailer park" consists of three (3) or more trailers where the parking spaces are owned by the trailer park owner.
- (6) "Water system." The word "water system" will be used in these rules and regulations to designate the Bell Buckle Water System of Bell Buckle, Tennessee. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-103.** Water service contract. Any applicant for water service shall complete a water service contract and submit same to the water system with the applicable tap fee, service fee, and application fee. A refundable deposit will also be required of each new customer. The amount of the refundable deposit shall be based on a three tiered system of high risk for nonpayment, moderate risk for nonpayment, and low risk for nonpayment, which will be based on a credit check of the customer. (Fees listed in the current fee schedule.) The refundable deposit shall be applied to any account balance of the customer and any unused difference shall be refunded to the customer. If water service cannot be supplied in accordance with the water system's rules, regulations or policies or those of any state or federal agency with oversight regarding service, the liability of the water system to the applicant for such water service shall be limited to the refund of the applicable tap fee and service fee. By signing the water service contract, the customer agrees to abide by all ordinances of the Town of Bell Buckle pursuant to title 18, chapter 1 as well agrees to abide by any and all provisions of the water service contract that the customer signs. If there is a breach of the water service contract or a violation of the ordinance(s) contained in title 18, chapter 1, then the Town of Bell Buckle may proceed to remedy the breach or violation as it is legally allowed. The Town of Bell Buckle may recover reasonable attorney's fees and costs associated with the remediation of the breach of the water service contract or violation of the ordinances contained in title 18, chapter 1. The Town of Bell Buckle nor any of its employees, officers, aldermen, or mayor shall be liable to any customer for damages caused to the customer's property by high pressure, low pressure, or fluctuations in pressure. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 Ch1 11-10-20)
- **18-104.** <u>Water taps</u>. (1) The water system shall be responsible for installing and maintaining all service connections (taps). The customer will provide, at no cost to the water system, a suitable place for the location of a service connection on the customer's property line.
- (2) Should the cost of the installation of the tap exceed the tap fee, the additional cost will be borne by the customer. If the service has to go under a state highway, the customer will bear the cost of putting line under road. County roads will be bored by town personnel if possible. If this has to be hired out, customer must pay expense.

- (3) All water lines shall be of sufficient size to be compatible with the service connection needed. A service connection will only be established if the system can provide adequate pressure and volume to the customer's meter.
- (4) Anyone wishing to purchase a one inch (1") or larger tap must pay a hydraulic analysis fee in order for water system personnel or the water system engineer to determine the feasibility of water service to the tap. The current hydraulic analysis fee is listed in the schedule of rates and fees.
- (5) The water system will install a meter and cutoff valve for each service connection, both of which shall remain the property of the water system.
- (6) Authorized employees, representatives and contractors of the water system shall have access to all properties served by the water system at reasonable times for the purpose of reading meters, maintaining and inspecting lines and connections to the water system (or believed to be connected to the water system), observation, measurement, sampling and testing is provided by the policies of the water system and by state and federal law.
- (7) Property owners are required to restrain their pets to provide safe working conditions for water system employees to read meters, etc.
- (8) All municipal fees associated with a water or sewer tap(s) request, must be paid in full to the Town of Bell Buckle within thirty (30) days of approval of that request by the board of mayor and aldermen, or at the time of tap installation, whichever is sooner. If the fees are not paid according to the above mentioned criteria, then the approval of the tap(s) is rescinded. If the person or parties wish to again be considered for a tap, then a new application must be completed and the request will be evaluated on its own merits (see current fee schedule).
- (9) A customer may not have more than one (1) residence that he or she owns on (1) tap (unless approved by the board of mayor and aldermen prior to the resolution that prohibits it). A customer may not rent a tap or otherwise provide water from a tap that he or she owns to another person or entity, whether for fee or not for a fee, or otherwise directly or indirectly sells, sublets, assigns, or otherwise disposes of the water except with written permission from the Town of Bell Buckle. If such violation occurs, the Town of Bell Buckle may discontinue water service to the subject's water tap(s). (Ord. #08-008, Sept. 2008, as amended b Ord. #10-005, Dec. 2010 *Ch1\_11-10-20*, and replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-105. <u>System development</u>. (1) In order to provide for capital improvements necessitated by growth, the Bell Buckle Water System has implemented a System Development Charge (SDC) for any properties needing access to Bell Buckle's water system through extension, new development, or tapping onto an existing line (amendment January 2007). The SDC applies to landowners or developers who subdivide real property for any purpose who require two (2) or more taps, with one (1) SDC required per tap. The amount of the SDC depends on meter size and must be paid at the time of approval of a

- subdivision plan or when an application is made for a tap for which a SDC has not been paid. The SDC shall be set by the board from time to time, and the board shall set the rules and regulations regarding the amount, nature, and applicability of the fee to be charged the landowner and/or developer. The board of mayor and aldermen may choose to allow land owners and/or developers to upgrade the system in lieu of a system development charge.
- (2) The current system development charge is listed in the schedule of rates and fees. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-106. <u>Customer service lines</u>. (1) The customer shall be responsible for and bear the expense of installing and maintaining the service line from the meter to the house or point of use. Said service line materials and installation shall conform to the standards and specifications established by current A WW A standards on service lines. Failure to meet the standards for the installation and material for service line from the meter to the point of use shall be grounds for denial of service to the customer. As to presently installed lines of an existing customer which do not meet the standards, no leak adjustment for the customer's service will be authorized or paid after the first leak adjustment for the customer's service line unless and until the customer's service line meets the standards established by the water system. The customer shall be liable for any damage incurred to the water system's property resulting from the customer's negligence.
  - (2) Acceptable service line materials are as follows:
  - (a) Polyethylene. Polyethylene service tubing is to be ultra-high molecular weight polyethylene tubing with a pressure rating of one hundred sixty (160) psi working pressure. Polyethylene service tubing must bear the National Sanitation Foundation Laboratories, Inc. seal of approval.
  - (b) PVC. PVC pipe shall be NSF approved, Type 1, Grade 1, Type 1120 material conforming to AST, D2241 and ASTM 1784. PVC pipe shall be Class 200, SDR 21, Schedule 40 or Schedule 80 with solvent weld or integral gasketed joints.
  - (c) Copper. Copper service tubing shall be Type K soft copper tubing only.
- (d) Steel service pipe shall be standard weight galvanized steel pipe only. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014  $Ch1\_11-10-20$ , and amended by Ord. #15-002, May 2015  $Ch1\_11-10-20$ )
- **18-107.** <u>Pressure regulator device</u>. The customer shall be required to install and maintain a pressure regulator device on the customer's side of the service connection in areas where the water is pumped. The pressure regulator device will not be required of the customer if the installation of the pressure regulator device causes the water pressure to be less than the minimum twenty

- (20) pounds of pressure. If pressure is increased at a later date, the customer shall be notified and a pressure regulator device will be installed if the addition of the pressure and the pressure regulator device produces at least the minimum twenty (20) pounds of pressure. The customer shall solely bear any and all expenses related to the purchase, installation, and maintenance of the pressure regulator device. If the customer desires more pressure, they may install a pump (approved by the water system). This must have a low pressure cut off switch and must be inspected by the water system employees after installation. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- **18-108.** <u>Damages to property due to water pressure</u>. The town shall not be liable to any customer for damages caused to his/her plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-109.** <u>Customer cut-off device</u>. The customer shall be required to install and maintain a cut-off device on the customer's side of the service connection before the first point of use. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-110.** Non-participation in a water line extension. Any applicant, who lived on or owned property on a water line extension installed with water system funds and who did not participate in the original water line extension (i.e. purchase a tap and/or grant an easement), will pay the normal service fee and twice the current tap fee. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-111. <u>Minimum bill</u>. (Removal of outside the town limits.) The water system will charge at least a minimum bill per month per tap for the water service regardless if the minimum amount was used or not. This includes dead taps. The minimum bill reflects each customer's share of the overhead to operate the system. By keeping the account active, the customer can demand service at any time and therefore must share in its costs. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*, and Ord. #15-002, May 2015 *Ch1\_11-10-20*)
- **18-112.** <u>Forfeited discount</u>. If full payment is not received in the water system office by the close of business on the due date on the bill, the customer must pay the gross amount (including forfeited discount) shown on the bill. (Ord. #08-008, Sept. 2008)

- 18-113. Forfeiture of water taps. In the event a customer on the water line (i.e. dry tap) refuses to pay his or her account for water services, he or she will continue to receive a monthly bill for water usage. After thirty (30) days, the tap will be locked off from usage. Once the account balance remains unpaid for a period of sixty (60) days, the customer will be sent a letter stating they have thirty (30) days to reinstate his or her account with the water system to halt the removal of the tap. If the customer does not respond within the thirty (30) day period, the tap will be removed from service. If, in the future, the customer wishes to receive service from this location, he or she must pay the balance on the past due account, apply for water service, and pay current tap fees. A new customer shall not be responsible for payment of the past due charges of the previous customer. They must apply for new service and follow the steps for a new tap stated in § 18-104. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*, and Ord. #15-002, May 2015 *Ch1\_11-10-20*)
- **18-114.** <u>Service calls.</u> In the event a customer requests that the water system check a service connection for proper operation (i.e. report of a water leak) and no water system responsibility is found, then the customer may be charged a service call fee. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-115.** <u>Billing frequency</u>. Utility bills for residences will be rendered monthly. Commercial customers may be billed monthly or more frequently, at the discretion of the board of mayor and aldermen. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-116. <u>Billing due date</u>. The customer shall be required to pay his bill by the due date as noted on his bill. The customer's failure to pay by the due date shall constitute a penalty which will be added to the bill. Should the due date for payment of a bill fall on a week-end or a holiday observed by the town, the bill may be paid on the following business day at the net amount. If the bill remains unpaid the service will be cut off on the 20th of the month without further notice. Customers who need to make a payment on a date later than the date noted on his bill must complete a promise to pay form at the BBTH and comply with the terms of that document.(Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*, and amended by Ord. #15-002, May 2015 *Ch1\_11-10-20*)
- **18-117.** <u>Returned checks</u>. There will be a returned check fee charged for all checks returned by the bank. After two (2) returned checks, only cash or cashier's checks will be accepted for payment (see current fee schedule). (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)

- 18-118. Rental property. It shall be the responsibility of the property owner to establish service as rental service. Renters shall be responsible to pay for any applicable service fee and application fee to be established for new customer service for water, which shall include a nontransferable, nonrefundable water connection fee (as listed in current fee schedule). Renters shall not be allowed to purchase water service until all accounts relating to water service under the renter's name, if any, with the Town of Bell Buckle have been fully satisfied. A refundable deposit will be required of each renter, which the amount of the refundable deposit shall be based on a three tiered system of high risk for nonpayment, moderate risk for nonpayment, and low risk for nonpayment, which will be based on a credit check of the customer (fees listed in the current fee schedule). The refundable deposit shall be applied to any account balance of the renter and any unused difference shall be refunded to the renter. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-119.** Failure to receive bill. Water bills are recognized as a routine bill owed by the customer. The customer's failure to receive a bill does not change in any way the customer's obligation to pay the amount due in a timely manner. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-120. <u>Termination of service by customer</u>. (1) In the event a customer removes himself/herself or his/her business from a service location at which he/she is receiving water, he/she shall give the water system a minimum of five (5) calendar days' notice of their intention to move. To remove himself/herself or his/her business from a service location, the customer, if the owner must sell the property where the service is located, or, if a renter, move from the property where the service is located. The customer shall be responsible for payment of water consumed up to the date his/her service is terminated. In the event a customer desires to move to a new location within the water system, he/she shall pay the tapping fee, if applicable, and service fee.
- (2) The procedure for customer notification of discontinuance of service can be accomplished as follows:
  - (a) The customer may discontinue water service by contacting the town hall in person upon the showing of proper identification; or
  - (b) The customer may discontinue the water service by written and signed verification in writing to the Town of Bell Buckle. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)

- **18-121.** <u>Adjustments to bills/leak adjustments.</u> Please see our leak adjustment policy. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*, 15-002, May 2015 *Ch1\_11-10-20*, and Ord. #17-07A, Oct. 2017 *Ch1\_11-10-20*)
- **18-122.** <u>Discontinuance of service (cut-offs)</u>. (1) Reasons for discontinuance of service:
  - (a) Nonpayment of bill or other charges directly related to customer's service.
  - (b) Partial payment of bill or other charges, except when a customer inadvertently fails to pay a penalty, however, the penalty must be paid by the next cut-off date.
  - (c) Failure to comply with water system rules, regulations and policies.
  - (d) Any threat to public health on the customer's premises which may endanger other customers.
    - (e) Tampering with water system equipment or stealing service.
  - (f) In the event that a customer has more than one (1) residence on one (1) taps (unless approved by the board of mayor and aldermen prior to the resolution that prohibits it).
  - (g) Customer has an amount past due from any previous service.
  - (h) In the event that a customer rents a tap or otherwise provides water from a tap that he or she owns to another person or entity, whether for fee or not for a fee, or otherwise directly or indirectly sells, sublets, assigns, or otherwise disposes of the water except with written permission from the Town of Bell Buckle.
- (2) A final notice will be mailed if payment is not received by the due date. If payment is not by the 20th of the month, service will be discontinued.
- (3) Service will be reinstated only during regular working hours, Monday 8:00 A.M.-4:00 P.M.; Tuesday 8:00 A.M.-12,00 noon; Wednesday 8:00 A.M.-12:00 noon; Thursday 8:00 A.M.-4: P.M.; Friday 8:00 A.M.-12:00 noon.
- (4) In the event a customer who has been cut-off for nonpayment of service wishes to be reinstated as a current customer, he shall pay all cost for discontinuance of service to include a reconnect fee, past due charges and any applicable service fees.
- (5) In the event a customer who has been cut-off for nonpayment cuts the meter lock for the purpose of reinstating water service, said customer will be charged a cut lock fee. Should the customer cut the meter lock again, the meter will be removed.

<sup>&</sup>lt;sup>1</sup>The Bell Buckle Leak Adjustment Policy, and any amendments thereto, may be found in the recorder's office.

- (6) The water system shall not disconnect the service to any customer on a life support system or dialysis machine. It is the responsibility of the customer to notify the water system if service discontinuance would be life threatening and the life threatening condition is certified in writing by a licensed medical provider. After notification, the water system will flag the customer's account and meter as an "emergency medical service" to insure that the service is not cut off by water system personnel or others.
- (7) If an emergency medical service customer cannot pay a bill or other charge, it shall be the customer's responsibility to find a social service agency or charitable group to assist the customer. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- **18-123.** <u>Multiple connections to one (1) meter</u>. At no time shall there be more than one (1) residence connected to one (1) meter unless approved by the board of mayor and aldermen. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-124.** Theft of service. (1) Any person or entity that obtains water by theft will be subject to a tampering fee (found in current fee schedule). Each subsequent offense shall be subject to the increased tampering fee (found in current fee schedule). The Town of Bell Buckle may refer the matter to the district attorney general or law enforcement for further prosecution of the matter.
- (2) Service will not be restored until all payments for the following are received by the water system:
  - (a) Adjusted payment for utility service.
  - (b) Tampering fee.
  - (c) Reconnection fee and any other fees as deemed appropriate.
  - (d) The cost of damages to water system property to include labor, equipment, overhead and replacement parts. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-125.** Shortages and emergencies. (1) The water system cannot and does not guarantee either a sufficient supply or an adequate or uniform pressure, and shall not be liable for any damage or loss resulting from an inadequate or interrupted supply, from any pressure variations, or for damages from the resumption of service.
- (2) The water system may declare service restrictions during a period of shortage and emergencies. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014  $Ch1_11-10-20$ )
- **18-126.** Cross-connections. (1) No person shall cause a cross-connection, auxiliary intake, by-pass or inter-connection to be made, or allow one to exist for any purpose whatsoever unless the construction and

- operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Bell Buckle Water System.
- (2) A water system representative shall have the right to enter at any reasonable time any property served by a connection to the water system's public water supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes or interconnections. On request, the owner, lessee or occupant of any property so served shall furnish to the water system any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections and the water service will be disconnected until such time as access is granted and the cross connection is removed. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- 18-127. <u>Water line extensions</u>. In the event the water system shall see fit to extend any main line of its waterworks, the water system, and board of mayor and alderman, may, upon considering all circumstances, bear the cost of this extension. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- **18-128.** <u>Subdivisions and developers</u>. In the event a developer wishes to extend/develop a water line at their own expense, they must adhere to the water system's subdivision regulations which are on file at the town hall. After a period of one (1) year, the water system will take over ownership and maintenance of the line. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-129. <u>Easements</u>. In the event a tap needs to be installed on someone else's property other than the one requesting it, an easement must accompany the application and be properly filed in the Bedford County Register of Deed's office. It is the sole responsibility of the customer to acquire the easement and be responsible for all costs associated with acquiring the easement. This easement must stipulate that the Town of Bell Buckle can install, repair and maintain the tap and meter on their property. (Ord. #08-008, Sept. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-130.** <u>Liability for cut off failures</u>. The town'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 five (5) days' written notice to cut off water service, the town has failed to cut off such service.

- (2) The town has attempted to cut off a service but such service has not been completely cut off.
- (3) The town 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 town's main. Except to the extent stated above, the town 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 town's cut off. The customer (not the town) shall be solely responsible for ensuring that his/her plumbing is properly drained and is kept properly drained, after his/her water service has been cut off. (as added by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-131. <u>Unauthorized use of or interference with water supply</u>. No person or entity shall turn on or turn off any of the Town of Bell Buckle's stop cocks, valves, hydrants, spigots, or fire plugs without written permission from the Town of Bell Buckle. (as added by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-132. No liability for damages resulting from discontinuing water service. The Town of Bell Buckle will endeavor to furnish continuous water service, but this does not guarantee to the customer any fixed pressure or continuous service. No customer shall be entitled to any damages nor will any portion of a payment be refunded for any sudden stoppage of the water supply occasioned by an accident or otherwise, or for any stoppage for the purpose of making extensions, alterations, or repairs, or any shut-off for nonpayment of service charges. In such an event, customers must guard themselves against the collapse of boilers, damage to electric heaters, and other injuries possibly resulting from stoppage of the water supply. In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The Town of Bell Buckle shall not be liable for any damages, from any damages from the resumption of water service without notice to the customer after any such interruption. (as added by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-133.** <u>Limited use of unmetered private fire line</u>. 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 for the Town of Bell Buckle. (as added by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

- **18-134.** Schedule of rates and charges.¹ (Please refer to the current schedule of rates, fees, and charges.)
- (1) The foregoing rules and regulations, the aforementioned schedule of rates and charges and organizational data may be amended, modified, enlarged or otherwise changed at any time a majority of the board of mayor and aldermen deems same necessary.
- (2) The water system has, by proper resolution, adopted the foregoing rules and regulations for the Bell Buckle Water System Bell Buckle, Tennessee, which resolution declares that if any section, paragraph, clause or provision of these rules and regulations shall be held to be invalid or ineffective for any reason, the remainder of these rules and regulations shall remain in full force and effect. (as added by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

<sup>&</sup>lt;sup>1</sup>The schedule of rates and charges (Ord. #08-008, Sept. 2008), and any amendments thereto, may be found in the recorder's office.

#### **CHAPTER 2**

## SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>

# **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.
- 18-209. Enforcement and abatement.
- **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 feet (5') (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 dist:inct from sanitary sewage.
- (7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Building, utility and housing codes: title 12.

Cross connections: title 18.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

- (8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (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 inch (1/2") (1.27 centimeters) in any dimension.
- (11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is 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 stormwatevs 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 con'centration 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 of the Town of Bell Buckle, 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. (1996 Code,  $\S$  18-201, as replaced by Ord. #14-001, Feb. 2014  $Ch1\_11-10-20$ )
- **18-202.** <u>Use of public sewers required</u>. (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 Town of Bell Buckle, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

- (2) It shall be unlawful to discharge to any natural outlet within the Town of Bell Buckle, or in any area under the jurisdiction of said Town of Bell Buckle, 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 town, 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 town, 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 one hundred feet (100') (30.5 meters) of the property line. (1996 Code, § 18-202, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-203. <u>Private sewage disposal</u>. The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local county and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. (1996 Code, § 18-203, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **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 town. 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 town 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 (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, 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.

- (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 town. 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 town, 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 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. (1996 Code, § 18-204, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-205.** <u>Use of the public sewers</u>. (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) Storm water 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.
  - (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 ad-verse 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 the 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°0).
    - (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, cyanide, 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 waters and vegetable tanning solutions).
  - (iii) Unusual BOD (above three hundred (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/1.

# (i) Pollutant concentration limits guide.

| Concentration Measured Type At: Waste:  | Sewage Treatment<br>Plant Influent  | Industrial Discharge<br>Into Sewerage System  |
|---|---|---|
| Compatible wastes (BOD, COD, TKN, suspended solids, settleable solids, BOD/COD) | Concentration must not exceed plant design limits.  | Discharge must meet sewage treatment plant (STP) influent limits. As long as that limit is met, then the discharge may exceed the concentration of normal sewage of the treatment cost covered by a surcharge.  |
| Incompatible wastes (Heavy metals, cyanides, pesticides, toxic wastes, etc.)    | Concentration must not exceed plant design limits. Limits set by technical considerations for STP to meet its effluent permit and to prevent disruption of plant unit operations. | Discharge must meet sewage treatment plant (STP) influent limits. Additionally, industrial discharges will be treated to a maximum concentration level set by the practical limits of technology and no variance of this maximum concentration will be given. |

(ii) The maximum effluent standards established by the superintendent for discharge of industrial wastes into the municipal sewerage system of the Town of Bell Buckle, Tennessee, shall be as follows:

 $\frac{\text{TABLE I}}{\text{MAXIMUM EFFLUENT STANDARDS FOR DISCHARGE OF WASTE THE}}$  SEWERAGE SYSTEM  $^1$ 

| Constituent               | Daily Average <sup>1</sup> Maximum Concentration (mg/l) | Instantaneous<br>Maximum<br>Concentration (mg/l) |
|---------------------------|---|--|
| Compatible Wastes:        | Concentration (mg/1)                                    | Concentration (mg/1)                             |
| Biochemical Oxygen Demand | $1500^{**}$   | 2000   |
| Chemical Oxygen Demand    | $2500^*$  | 3500   |
| Settleable Solids         | 15 ml/l*  | 20 ml/l  |
| Total Suspended Solids    | $1500^*$  | 2000   |
| Total Dissolved Solids    | 5000  | 7500   |
| Nitrogen (total kjeldahl) | $60.0^*$  | 90.0   |
| Incompatible Wastes:      |   |  |
| Antimony                  | 5.0   | 8.0  |
| Arsenic                   | 1.0   | 1.5  |
| Barium                    | $35.0^*$  | 50.0   |
| Boron                     | $55.0^*$  | 80.0   |
| Cadmium                   | $1.0^*$   | 1.5  |
| Chromium, Total           | $0.5^{^*}$  | 1.0  |
| Cobalt                    | 10.0  | 15.0   |
| Copper                    | $1.0^*$   | 1.5  |
| Cyanide                   | $1.0^*$   | 1.5  |
| Fluoride                  | 45.0  | 70.0   |
| Iron, Total               | 45.0  | 70.0   |
|                           |   |  |

<sup>&</sup>lt;sup>1</sup>An industrial permit is to be obtained prior to the acceptance of industrial wastes - see standard industrial classification code.

 $<sup>^{**}\</sup>mathrm{Must}$  satisfy conditions established by Table II in order for user to discharge levels stipulated in Table I.

| Constituent  | Daily Average <sup>1</sup><br>Maximum<br>Concentration (mg/l) | Instantaneous<br>Maximum<br>Concentration (mg/l) |
|--|---|--|
| Lead   | $1.0^*$   | 1.5  |
| Magnesium  | 10.0  | 15.0   |
| Manganese  | 1.0   | 1.5  |
| Mercury  | 0.1   | 0.2  |
| Nickel   | 3.0   | 4.5  |
| Phosphorus (Total P)                                 | 10.0  | 15.0   |
| Potassium  | 10.0  | 15.0   |
| Selenium   | 0.1   | 0.2  |
| Silver   | 1.0   | 1.5  |
| Strontium  | 30.0  | 50.0   |
| Tin  | 10.0  | 15.0   |
| Titanium   | 3.0   | 5.0  |
| Zinc   | $2.0^{*}$   | 3.5  |
| Pesticides   | $\operatorname{BDL}$  | _  |
| Phenols  | 10.0  | 15.0   |
| Surface Active Agents (as<br>MBAS) Non-biodegradable | 5.0   | 8.0  |
| Hexane or Ether Soluble<br>Substances                | 100.0   | 150.0  |
| Total Oil  | 50.0  | 80.0   |

 $<sup>{}^*\</sup>mathrm{Must}$  satisfy conditions established by Table II in order for user to discharge levels stipulated in Table I.

 $<sup>{\</sup>rm **BDL}$  - Below detectable limit.

Note: The concentration of compatible wastes in the industrial discharges may exceed the level found in normal domestic waste. The treatment cost of this extra load on the sewage treatment plant will be covered by the surcharge required for industrial cost recovery as outlined in MCD-45, "Federal Guidelines--Industrial Cost Recovery Systems."

Discharge limits for incompatible wastes are based on practical limits of technology. If at a later time the federal guidelines are made more stringent for a given SIC (standard industrial classification) category, then industrial users in the category, discharging to the Bell Buckle POTW (Publicly Owned Treatment Works) will be subject to the federal standards. If the federal standards are less stringent, then discharges in the SIC category may apply to the sewage discharge appeals board for relief from the limits of Table I. This relief would only apply to dischargers in the SIC category with less stringent federal standards. Waste limits other than listed shall be established by the superintendent in accordance with applicable state or federal regulations.

(iii) The maximum influent standards established by the superintendent for discharge into the sewage treatment plant of the Town of Bell Buckle, Tennessee, shall be as follows:

 $\frac{\text{TABLE II}}{\text{MAXIMUM CONCENTRATION IN SEWAGE TREATMENT PLANT INFLUENT}^1}$ 

|                           | Instantaneous        | Recommended<br>Maximum |
|---------------------------|----------------------|------------------------|
|                           | Maximum              | Concentration with     |
| Constituent               | Concentration (mg/l) | Safety Factor (mg/l)   |
| Compatible Wastes:        |                      |                        |
| Biochemical Oxygen Demand | 500                  |                        |
| Chemical Oxygen Demand    | 1000                 |                        |
| Settleable Solids         | 15 ml/l              |                        |
| Total Suspended Solids    | 500                  |                        |
| Nitrogen (total kjeldahl) | 50.0                 |                        |
|                           |                      |                        |
| Incompatible Wastes:      |                      |                        |
| Boron                     | 1.0                  |                        |
| Cadmium                   | 0.01                 |                        |
| Chromium (hexavalent)     | 0.10                 |                        |
| Chromium (total)          | 0.10                 |                        |
| Copper                    | 0.04                 |                        |
| Cyanide                   | 0.01                 |                        |
| Lead                      | 0.10                 |                        |
| Nickel                    | 0.20                 |                        |
| Zinc                      | 0.20                 |                        |

Note: The above maximum concentrations are based on research which has defined tolerance levels of various incompatible wastes relative to sewage treatment plant unit operations. Since there is no safety factor in the above parameter limits, careful judgement must be used to determine at what point corrective action must be taken to prevent incompatible

<sup>&</sup>lt;sup>1</sup>Based on design capacity of plant.

pollutant concentrations from exceeding the maximum allowed in Table II. It is important to note that cumulative toxicities and synergistic effects due to a mixture of incompatible wastes may have a deleterious effect on sewage treatment plant process at concentrations much less than those shown above.

Those industries now discharging industrial wastes incompatible with this subsection shall take immediate steps to comply with same and shall be in compliance no later than January 1, 1983.

- (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 the preceding subsection, 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, a suitable control manhole shall be installed by the owner of any property serviced by a building sewer carrying industrial wastes 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.

- 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 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 constituents 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 twenty-four (24) hour composites of all outfalls whereas pHs 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 town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern. (1984 Code, § 18-205, as replaced by Ord. #14-001, Feb. 2014  $Ch1_11-10-20$ )
- **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. (1996 Code, § 18-206, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the town 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, subsection (1) above, the superintendent or duly authorized employees of the town 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 town employees and the town shall indemnify the company against loss or damage to its property by town 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 town bearing proper credentials and identification shall be permitted to enter all private properties through which the town 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 entry 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. (1996 Code, § 18-207, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-208.** <u>Violations</u>. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the town 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 code of ordinances.
- (3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (1996 Code,  $\S$  18-208, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-209. Enforcement and abatement. Violators of these wastewater regulations may be cited to municipal court, general sessions court, chancery court, or other court of competent jurisdiction face fines, have sewer service terminated or the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or occupant and the service line disconnected from sewer main. Upon notice by the superintendent that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all of the following remedies:
- (1) Cite the user to municipal or general sessions court, where each day of violation shall constitute a separate offense.

- (2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.
- (3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.
- (4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (as added by Ord. #11-003, May 2011  $Ch1_11-10-20$ )

# **CHAPTER 3**

# SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

# **SECTION**

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.
- **18-301. 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 one hundred feet (100') 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 seven hundred fifty (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

Plumbing code: title 12, chapter 2.

<sup>&</sup>lt;sup>1</sup>Municipal code reference

Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). 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 feet (5'). 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. (1996 Code,  $\S$  18-301, as replaced by Ord. #14-001, Feb. 2014  $Ch1\_11-10-20$ )
- **18-302.** Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the Town of Bell Buckle shall be required to have a sanitary method for disposal of sewage and human excreta. (1996 Code, § 18-302, as replaced by Ord. #14-001, Feb. 2014 *Ch1* 11-10-20)
- 18-303. 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. (1996 Code, § 18-303, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-304. 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. (1996 Code, § 18-304, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

- 18-305. 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 Town of Bell Buckle as may be deemed necessary by the health officer. (1996 Code, § 18-305, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-306. <u>Use of pit privy or other method of disposal</u>. Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1996 Code, § 18-306, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-307. 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. (1996 Code, § 18-307, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-308.** 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 § 18-302, or the agent of the owner to provide such facilities. (1996 Code, § 18-308, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-309.** 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. (1996 Code, § 18-309, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-310. 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. (1996 Code, § 18-310, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

- **18-311.** <u>Discharge into watercourses restricted</u>. 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. (1996 Code, § 18-311, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-312.** <u>Pollution of ground water prohibited</u>. 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. (1996 Code, § 18-312, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-313. Enforcement of chapter. It shall be the duty of the public officer/department 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 public officer/department to the person or persons responsible for the correction of the condition, and correction shall be made within seven (7) days after notification. If the public officer/department 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. (1996 Code, § 18-313, as amended by Ord. #\_\_\_\_\_\_, \_\_\_\_\_\_, as replaced by Ord. #14-001, Feb. 2014 Ch1\_11-10-20)
- **18-314.** Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the Town of Bell Buckle 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 seven (7) days provided for in the preceding section. (1996 Code, § 18-314, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-315.** <u>Violations</u>. 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. (1996 Code, § 18-315, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

### **CHAPTER 4**

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

### **SECTION**

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.
- **18-401.** <u>**Definitions**</u>. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:
- (1) "Public water supply." The waterworks system furnishing water to the Town of Bell Buckle for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.
- (2) "Cross connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.
- (3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.
- (4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
- (5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.
- (6) "Person." Any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1996 Code, § 18-401, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

<sup>&</sup>lt;sup>1</sup>Municipal code references

- 18-402. <u>Standards</u>. The Bell Buckle, Tennessee Public Water Supply is to comply with <u>Tennessee Code Annotated</u>, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (1996 Code, § 18-402, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- **18-403.** Construction, operation, and supervision. It shall be unlawful for any person to cause a cross-connection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the Bell Buckle, Tennessee Water Supply. (1996 Code, § 18-403, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-404. <u>Statement required</u>. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises. (1996 Code, § 18-404, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-405.** <u>Inspections required</u>. It shall be the duty of the superintendent of the public water supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the superintendent of the Bell Buckle, Tennessee Public Water Supply and as approved by the Tennessee Department of Health. (1996 Code, § 18-405, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-406. <u>Right of entry for inspections</u>. The superintendent or authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Bell Buckle, Tennessee Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system

or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1996 Code, § 18-406, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)

18-407. <u>Correction of existing violations</u>. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the Bell Buckle, Tennessee Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and <u>Tennessee Code Annotated</u>, § 68-221-711, within a reasonable time and within the time limits set by the Bell Buckle, Tennessee Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued, and physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross-connections, inter-connections, auxiliary intakes, or by-passes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (1996 Code, § 18-407, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

- 18-408. <u>Use of protective devices</u>. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:
  - (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The superintendent of the Bell Buckle, Tennessee Public Water Supply, or his designated representative, shall require the use of an approved protective

device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the public water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Bell Buckle, Tennessee Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the Bell Buckle, Tennessee Public Water Supply.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Bell Buckle, Tennessee Public Water Supply. (1996 Code, § 18-408, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

**18-409.** <u>Unpotable water to be labeled</u>. The potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1996 Code, § 18-409, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

18-410. <u>Violations</u>. The requirements contained herein shall apply to all premises served by the Bell Buckle Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Bell Buckle corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (1996 Code, § 18-410, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

### **CHAPTER 5**

# FATS, OILS, AND GREASE; SOIL/SAND AND LINT TRAPS AND INTERCEPTORS

### **SECTION**

- 18-501. Purpose.
- 18-502. Fat, Oil, and Grease (FOG), waste food, and sand interceptors.
- 18-503. Definitions.
- 18-504. Fat, oil, grease, and food waste.
- 18-505. Sand, soil, and oil interceptors.
- 18-506. Laundries.
- 18-507. Control equipment.
- 18-508. Solvents prohibited.
- 18-509. Enforcement and penalties.
- 18-510. Alteration of control methods.
- **18-501. Purpose**. The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)
- 18-502. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be installed when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-503. Definitions**. In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:
- (1) "A grease interceptor." An interceptor whose rated flow is fifty (50) g.p.m. or less and is typically located inside the building.
- (2) "A grease trap." An interceptor whose rated flow exceeds fifty (50) g.p.m. and is located outside the building.
- (3) "An interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or

undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1 11-10-20*)

- 18-504. <u>Fat, oil, grease, and food waste</u>. (1) <u>New construction and renovation</u>. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.
- (2) <u>Existing structures</u>. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.
- (3) <u>Implementation of plan</u>. After approval of the FOG plan by the superintendent the sewer user must: implement the plan within a reasonable amount of time; service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment measures may be required. (Ord.#08-009, Nov. 2008, as replaced by Ord.#14-001, Feb. 2014 *Ch1\_11-10-20*)
- 18-505. Sand, soil, and oil interceptors. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-506.** <u>Laundries</u>. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids two inch (2") or larger in size such as, strings, rags, buttons, or other solids detrimental to the system. (Ord.#08-009, Nov. 2008, as replaced by Ord.#14-001, Feb. 2014 *Ch1\_11-10-20*)

- 18-507. Control equipment. The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with Tennessee Department of Environment and Conservation engineering standards or applicable city guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this section shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law. The town retains the right to inspect and approve installation of the control equipment. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-508.** Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents or surfactants are prohibited. The use of live bacteria products may be approved where interceptors cannot be physically installed. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **18-509.** Enforcement and penalties. Any person who violates the ordinance comprising this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the town's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. Where a municipality has an industrial pretreatment program, violators may be issued industrial pretreatment permits where failure to follow permit requirements would follow administrative enforcement provisions of the pretreatment program with fines up to ten thousand dollars (\$10,000.00) per day. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)
- **5-510.** <u>Alteration of control methods</u>. The town through the superintendent reserves the right to request additional control measures if measures taken are shown to be insufficient to protect sewer collection system and treatment plant from interference due to the discharge of fats, oils, and grease, sand/soil, or lint. (Ord. #08-009, Nov. 2008, as replaced by Ord. #14-001, Feb. 2014 *Ch1\_11-10-20*)

### **TITLE 19**

### **ELECTRICITY AND GAS**

### **CHAPTER**

1. GAS.

### CHAPTER 1

### **GAS**

### **SECTION**

19-101. To be furnished by the Bedford County Utility District.

19-101. <u>To be furnished by the Bedford County Utility District</u>. Gas shall be provided to the Town of Bell Buckle and its inhabitants by the Bedford County Utility District. The rights, powers, duties, and obligations of the Town of Bell Buckle and its inhabitants, are stated in the agreements between the parties.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>For complete details relating to the gas franchise agreement see Ord. #01-001 in the office of the recorder.

### **TITLE 20**

## **MISCELLANEOUS**

# [RESERVED FOR FUTURE USE]

# **APPENDIX**

A. ETHICS PROVISIONS PROVIDED BY STATUTE.

## APPENDIX A

ETHICS PROVISIONS PROVIDED BY STATUTE.

### APPENDIX A

### ETHICS PROVISIONS PROVIDED BY STATUTE

### 1. <u>Campaign finance</u>.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301-310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

### 2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly

acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of goods or services in a municipality. A "direct interest" is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

#### 3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq*. Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

### 4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from "knowingly" receiving any form of compensation for "consulting services" other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

"Consulting services" under T.C.A. § 2-10-122 means "services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official." "Consulting services" also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. "Consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

### 5. Bribery offenses.

- a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.
- b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.
- c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.
- d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.
- e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

### 6. Official misconduct. official oppression, misuse of official information.

a. Public misconduct offenses under <u>Tennessee Code Annotated</u> § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

- b. Official misconduct under <u>Tennessee Code Annotated</u> § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.
- c. Under <u>Tennessee Code Annotated</u> § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.
- d. <u>Tennessee Code Annotated</u> § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.
- e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

### 7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude" (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

# ORDINANCE NO. 10-004

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF BELL BUCKLE TENNESSEE.

WHEREAS some of the ordinances of the Town of Bell Buckle are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the Town of Bell Buckle, 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 "Bell Buckle Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BELL BUCKLE, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Bell Buckle Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

Each day any violation of the municipal code continues shall constitute a separate civil offense.

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

<sup>&</sup>lt;sup>1</sup>State law reference

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

<u>Section 10.</u> <u>Date of effect</u>. 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,    | rgust 10, 2010.  |
|------------------------|------------------|
| Passed 2nd reading, 50 | tember 14, 2016. |
|                        | of Awall         |
|                        | Mayor            |
|                        | Quet Bondo       |
|                        | Recorder         |