

**OFFICIAL CODE  
OF THE  
CITY OF  
CHARLOTTE**

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

in cooperation with the  
**TENNESSEE MUNICIPAL LEAGUE**

February 1994

Change 2, March 26, 1996

**CITY OF CHARLOTTE, TENNESSEE**

**MAYOR**

William R. Davis

**VICE MAYOR**

Eugene E. Miller

**COUNCILMEN**

Norris Allen  
Tim Reynolds  
Johnny Shelton  
Sherry Thiel  
Doyle Wall

**CITY RECORDER**

Bonnie Duke

## **Preface**

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

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

Steve Lobertini  
Codification Specialist

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

SECTION 2.10. City Legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. Other actions may be accomplished by resolution or motions. Each ordinance shall be in written form before being introduced. The affirmative vote of at least four members of the council shall be required to pass any motion, resolution or ordinance, including two readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least five members of the council on two readings on successive days. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization, and the city clerk shall file a copy of the code in his office. The city may furnish a copy of any such code to any person for a reasonable fee. After adoption of a code of ordinances, as provided in section 2.11 of this article, the city clerk shall number ordinances consecutively in the order of their final adoption and shall copy them into a permanent record book used solely for this purpose, and the city clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions and motions shall be filed and preserved by the city clerk. An abstract of the essential provisions of each ordinance may be published once in the official city newspaper within ten days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.

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## TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

## CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. CITY CLERK.

## CHAPTER 1

CITY COUNCIL<sup>2</sup>

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Salaries.

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 7:00 P.M. on the 4th Tuesday of each month at the City Hall. (1974 Code, § 1-101, modified)

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

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

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<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

Building, plumbing, electrical and gas inspectors: title 12.  
 Fire department: title 7.  
 Utilities: titles 18 and 19.  
 Wastewater treatment: title 18.  
 Zoning: title 14.

<sup>2</sup>Charter references

City council: art. II.

- (3) Reading of minutes of the previous meeting by the city clerk, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the city council, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1974 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the city council 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. (1974 Code, § 1-103, modified)

1-104. Salaries. (1) Mayor. The salary for the Mayor of the City of Charlotte, Tennessee shall be \$100.00 per month.

(2) City council. The salary for the office of City Councilman for the City of Charlotte, Tennessee shall be \$50.00 per month. (Ord. #85-2, May 1985, modified)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1974 Code, § 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts as authorized by the city council. (1974 Code, § 1-202)

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<sup>1</sup>Charter references

Election of mayor and councilmen: art. II, § 2.01.

Mayor as presiding officer: art. II, § 2.04.

Vacancy in office of mayor or councilman: art. II, § 2.06.

Administrative duties of mayor: art. III, § 3.02.

Mayor to submit annual budget: art. IV, § 4.02.

## CHAPTER 3

CITY CLERK<sup>1</sup>

## SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The city clerk shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the city council. (1974, Code, § 1-301)

1-302. To keep minutes, etc. The city clerk shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1974 Code, § 1-302)

1-303. To perform general administrative duties, etc. The city clerk shall perform all administrative duties for the city council and for the city which are not assigned by the charter, this code, or the city council to another corporate officer. The city clerk shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1974 Code, § 1-303)

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<sup>1</sup>Charter references

City clerk: art. III, § 2.08.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

(RESERVED FOR FUTURE USE)

TITLE 3

MUNICIPAL COURT<sup>1</sup>

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1974 Code, § 1-501)

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<sup>1</sup>Charter references

City judge and city court clerk: art. III, § 3.05.



## CHAPTER 2

COURT ADMINISTRATION

## SECTION

3-201. Maintenance of docket.

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

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

3-204. Disturbance of proceedings.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1974 Code, § 1-502)

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

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>1</sup> for similar work in state cases. (1974 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1974 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1974 Code, § 1-512)

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 8-21-401.

## CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

## SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1974 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1974 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1974 Code, § 1-505)

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<sup>1</sup>State law reference

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

## CHAPTER 4

BONDS AND APPEALS

## SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1974 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days<sup>1</sup> next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1974 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of two hundred and fifty dollars (\$250.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1974 Code, § 1-510)

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 27-5-101.

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY.
2. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
3. PERSONNEL REGULATIONS.
4. INFECTIOUS DISEASE CONTROL POLICY.
5. TRAVEL REIMBURSEMENT REGULATIONS.
6. DRUGS IN THE WORKPLACE.

#### CHAPTER 1

### SOCIAL SECURITY

#### SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1974 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

and shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1974 Code, § 1-704)

4-105. Records and reports. The city clerk shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1974 Code, § 1-705)

## CHAPTER 2

WORK, VACATION AND SICK LEAVE, AND HOLIDAY  
REGULATIONS

## SECTION

4-201. Applicability of chapter.

4-202. Leave records.

4-203. Holidays.

4-204. Vacation leave.

4-205. Sick leave.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees, except those operating under the jurisdiction of a school, utility or other separate board or commission. (1974 Code, § 1-801)

4-202. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all times showing credits earned and leave taken under this chapter. (1974 Code, § 1-804)

4-203. Holidays. The City of Charlotte shall observe all state and national holidays to the same extent as observed by the State of Tennessee. (Ord. #88-2, Feb. 1988)

4-204. Vacation leave. All officers and employees shall be given two (2) weeks of vacation leave with pay for each year of employment hereafter served. Such vacation leave shall be taken at a time approved by the mayor or such other officer as he may designate. At no time shall a person's total credit for vacation leave exceed four (4) weeks. (1974 Code, § 1-802)

4-205. Sick leave. All officers and employees shall be given a credit of one (1) working day of sick leave with pay for each month of employment hereafter served. Sick leave shall be taken only when approved by the mayor or by such other officer as he may designate. Sick leave, up to the number of days accrued, shall be approved for all officers and employees whose absence from duty is due to illness, bodily injury, exposure to contagious disease, or death in the immediate family of the officer or employee. However, the mayor may, in his discretion, require doctor's certificates or other satisfactory evidence that absences are properly chargeable as sick leave. The maximum credit for accrued sick leave under the provisions of this section shall be ninety (90) days. (1974 Code, § 1-803)

## CHAPTER 3

PERSONNEL REGULATIONS

## SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1974 Code, § 1-901)

4-302. Acceptance of gratuities. No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1974 Code, § 1-902)

4-303. Outside employment. No full-time officer or employee of the city shall continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the city. (1974 Code, § 1-903)

4-304. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials. (1974 Code, § 1-904)

4-305. Use of municipal time, facilities, etc. No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. (1974 Code, § 1-905)

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1974 Code, § 1-906)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1974 Code, § 1-907)



## CHAPTER 4

INFECTIOUS DISEASE CONTROL POLICY

## SECTION

- 4-401. Purpose.
- 4-402. Coverage.
- 4-403. Administration.
- 4-404. Definitions.
- 4-405. Policy statement.
- 4-406. General guidelines.
- 4-407. Fire and emergency medical services.
- 4-408. Law enforcement and security officers.
- 4-409. Housekeeping and sanitation.
- 4-410. Hepatitis B vaccinations.
- 4-411. Reporting potential exposure.
- 4-412. Hepatitis B virus post-exposure management.
- 4-413. Human immunodeficiency virus post-exposure management.
- 4-414. Disability benefits.
- 4-415. Training regular employees.
- 4-416. Training high risk employees.
- 4-417. Training new employees.
- 4-418. Records and reports.
- 4-419. Legal rights of victims of communicable diseases.

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

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (Ord. #92-04, Feb. 1992)

4-402. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely

increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Paramedics and emergency medical technicians;
- (2) Occupational nurses;
- (3) Housekeeping and laundry workers;
- (4) Police and security personnel;
- (5) Firefighters;
- (6) Sanitation and landfill workers; and
- (7) Any other employee deemed to be at high risk per this policy and an exposure determination. (Ord. #92-04, Feb. 1992)

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

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood or body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of the chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the city council any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the city council. (Ord. #92-04, Feb. 1992)

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

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin,

or mucous membranes during the performance of an individual's normal job duties.

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

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

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

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be detected as though such body fluid were HBV or HIV infected. (Ord. #92-04, Feb. 1992)

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

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (Ord. #92-04, Feb. 1992)

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

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

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

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions

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

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

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

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

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

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

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

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

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant

leaving it on for a least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.

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

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

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

All required tags shall meet the following criteria:

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

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

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

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

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

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (Ord. #92-04, Feb. 1992)

4-407. Fire and emergency medical services. These guidelines apply to fire and emergency medical services. This includes structural fire fighters, paramedics, emergency medical technicians, and advanced life support personnel. Fire and emergency medical services personnel are engaged in the delivery of medical care in the pre-hospital setting. The following guidelines are

intended to assist these personnel in making decisions concerning use of personal protective equipment and resuscitation equipment, as well as for decontamination, disinfection, and disposal procedures.

(1) Appropriate personal protective equipment shall be made available routinely by the city to reduce the risk of exposure as defined above. For many situations, the chance that the rescuer will be exposed to blood and other body fluids can be determined in advance. Therefore, if the chances of being exposed to blood is high (e.g. CPR, IV insertion, trauma, delivering babies, etc...), the employee shall put on protective attire before beginning patient care.

(2) Disposable gloves shall be a standard component of emergency response equipment, and shall be donned by all personnel prior to initiating any emergency patient care tasks involving exposure to blood or other body fluids. Extra pairs shall always be available. For situations where large amounts of blood are likely to be encountered, it is important that gloves fit tightly at the wrist to prevent blood contamination of hands around the cuff. For multiple trauma victims, gloves should be changed between patient contacts, if the emergency situation allows.

Greater personal protective equipment measures are indicated for situations where broken glass and sharp edges are likely to be encountered, such as extricating a person from an automobile wreck. Structural fire-fighting gloves that meet the Federal OSHA requirements for fire-fighters' gloves shall be worn in any situation where sharp or rough surfaces are likely to be encountered.

While wearing gloves, avoid handling personal items, such as combs and pens, that could become soiled or contaminated. Gloves that have become contaminated with blood or other body fluids should be removed as soon as possible, taking care to avoid skin contact with the exterior surface. Contaminated gloves shall be placed and transported in bags that prevent leakage and shall be disposed of properly. Reusable gloves shall be cleaned and disinfected immediately.

(3) Masks, eyewear, and gowns shall be present on all emergency vehicles that respond or potentially respond to medical emergencies or victim rescues. These protective barriers shall be used in accordance with the level of exposure encountered. Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding.

Management of the patient who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions. Masks and eyewear shall be worn together, or a faceshield shall be used by all personnel prior to any situation where splashes of blood or other body fluids are likely to occur. Gowns or aprons shall be worn to protect clothing from splashes with blood. If large splashes or quantities of blood are present or anticipated,

impervious gowns or aprons shall be worn. An extra change of work clothing should also be available at all times.

(4) Disposable resuscitation equipment and devices shall be used once and disposed of or, if reusable, thoroughly cleaned and disinfected after each use. Mechanical respiratory assist devices such as bag-valve masks or oxygen demand valve resuscitators shall be available on all emergency vehicles and to all emergency response personnel who respond or potentially respond to medical emergencies of victim rescues. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretions, and vomitus shall be provided to all personnel who provide or potentially provide emergency treatment. (Ord. #92-04, Feb. 1992)

4-408. Law enforcement and security officers. Law enforcement officers and security personnel may face the risk of exposure to blood during the conduct of their duties. There is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent, or psychotic behaviors. Therefore, informed judgment of the individual officer is paramount when unusual circumstance or events arise.

The following guidelines are intended to serve as an adjunct to rational decision making in those situations where specific guidelines do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

(1) Law-enforcement and security personnel are exposed to a range of assaultive and disruptive behavior through which they may potentially become exposed to blood or other body fluids containing blood. Behaviors of particular concern are biting, attacks resulting in blood exposure, and attacks with sharp objects. Such behavior may occur in a range of law-enforcement situations including arrests, routine interrogations, domestic disputes, and lockup operations. Hand-to-hand combat may result in bleeding and may thus incur a greater chance for blood-to-blood exposure.

In all cases, extreme caution must be used in dealing with suspects if there is any indication of assaultive or combative behavior. When blood is present and a suspect is combative or threatening to staff, gloves should always be put on as soon as conditions permit. In case of blood contamination of clothing, an extra change of clothing should be available at all times.

(2) Law enforcement personnel should also be concerned about infection through the administration of cardiopulmonary resuscitation. Protective masks or airways shall also be available to officers and provided with the proper training in their use.

(3) An officer should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand, should

determine if a suspect or prisoner should empty his/her own pockets or if the officer should use his own skills in determining the contents of a suspect's clothing. When a search is warranted the following guidelines shall be used:

- (a) A safe distance should always be maintained between the officer and the suspect.
- (b) Protective gloves should be worn if exposure to blood is likely to be encountered.
- (c) Protective gloves should be used for all body cavity searches.
- (d) If cotton gloves are to be worn when working with evidence of potential latent fingerprints value at the crime scene, they can be worn over protective disposable gloves when exposure to blood may occur.
- (e) Always carry a flashlight, even during the daylight shifts, to search hidden areas. Whenever possible, use long-handled mirrors and flashlights to search under car seats.
- (f) If searching a purse, carefully empty contents directly from the purse, by turning it upside down over a table.
- (g) Use puncture-proof containers to store sharp instruments and clearly mark plastic bags to store other possibly contaminated items.
- (h) To avoid tearing gloves, use evidence tape instead of metal staples to seal evidence.
- (i) When possible evidence items should be air dried before sealing in plastic.

(4) Officers and crime scene technicians may confront unusual hazards, especially when the crime scene involves violent behavior, such as a homicide where large amounts of blood are present. Protective gloves shall be available and worn in this setting. In addition, for very large spills, consideration should be given to other protective clothing, such as overalls, aprons, boots, or protective shoe covers. They should be changed if torn or soiled, and always remove prior to leaving the scene. While wearing gloves, avoid handling personal items, such as combs and pens, that could become soiled or contaminated.

(5) Face masks and eye protection or a face shield are required for laboratory and evidence technicians whose jobs entail potential exposure to blood via a splash to the face, mouth, nose, or eyes. Airborne particles of dried blood may be generated when a stain is scraped.

(6) While processing the crime scene, personnel should be alert for the presence of sharp objects such as hypodermic needles, knives, razors, broken glass, nails, or other sharp objects.

(7) For detectives, investigators, evidence technicians, and others who may have to touch or remove a body, the response should be the same as for situations requiring CPR or first aid;



(a) Wear gloves and cover all cuts and abrasions to create a barrier and carefully wash all exposed areas after any contact with blood.

(b) The precautions to be used with blood and deceased persons should also be used when handling amputated limbs, hands, or other body parts.

(8) Protective masks and eyewear, laboratory coats, gloves, and waterproof aprons should be worn when performing or attending all autopsies. All autopsy materials should be considered infectious for both HIV and HBV. Onlookers with an opportunity for exposure to blood splashes should be similarly protected. (Ord. #92-04, Feb. 1992)

4-409. Housekeeping and sanitation. All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition. When a blood or body fluid spill occurs, one of the following disinfecting techniques shall be used:

(1) A chemical germicide that is approved for use as a hospital disinfectant shall be used.

(2) A product registered by the Environmental Protection Agency as being effective against HIV shall be used.

(3) A solution of 5.25% sodium hypochlorite (household bleach) diluted between 1:10 and 1:100 with water.

Any receptacle used for decaying or rotten solids or liquid waste or refuse shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle shall be equipped with a solid, tight-fitting cover, unless it can be maintained in a sanitary condition with a cover.

All sweeping, solid or liquid wastes, refuse, and garbage shall be removed in such a manner to avoid creating a menace to health and as often as necessary or appropriate to maintain the place of employment in a sanitary condition. (Ord. #92-04, Feb. 1992)

4-410. Hepatitis B vaccinations. The City of Charlotte shall offer the appropriate Hepatitis B vaccination to employee at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the Infectious Disease Control Coordinator. (Ord. #92-04, Feb. 1992)

4-411. Reporting potential exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at

risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

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

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (Ord. #92-04, Feb. 1992)

4-412. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

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

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (Ord. #92-04, Feb. 1992)

4-413. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness,

particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (Ord. #92-04, Feb. 1992)

4-414. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303. (Ord. #92-04, Feb. 1992)

4-415. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (Ord. #92-04, Feb. 1992)

4-416. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal, protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy. (Ord. #92-04, Feb. 1992)

4-417. Training new employees. During the new employee's orientation to his/her job, all new employee will be trained on the effects of infectious disease prior to putting them to work. (Ord. #92-04, Feb. 1992)

4-418. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the infectious disease control coordinator. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

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

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

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (Ord. #92-04, Feb. 1992)

4-419. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

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

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

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

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

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

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

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

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

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

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

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil/and/or criminal prosecution. (Ord. #92-04, Feb. 1992)

## CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

## SECTION

4-501. Enforcement.

4-502. Travel policy.

4-503. Travel reimbursement rate schedules.

4-504. Administrative procedures.

4-501. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #94-01, March 1993)

4-502. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

- (6) To qualify for reimbursement, travel expenses must be:
  - (a) directly related to the conduct of the city business for which travel was authorized, and
  - (b) actual, reasonable, and necessary under the circumstances.
 The CAO may make exceptions for unusual circumstances.  
 Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #94-01, March 1993)

4-503. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #94-01, March 1993)

4-504. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #94-01, March 1993)

## CHAPTER 6

### DRUGS IN THE WORKPLACE

#### SECTION

4-601. City's responsibility.

4-602. Policy.

4-601. City's responsibility. The City of Charlotte has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. Employees must be free from drug or alcohol dependence, illegal drug use, or drug or alcohol abuse. There is sufficient evidence to conclude that the use of illegal drugs or alcohol; drug or alcohol dependence; and drug or alcohol abuse seriously impair an employee's performance and general physical and mental health. (Ord. #94-12-14, July 1994)

4-602. Policy. The illegal possession and use of drugs, alcohol, and/or narcotics by employees of the municipality is a crime in this jurisdiction and clearly unacceptable. Therefore, the City of Charlotte has adopted this written policy to ensure an employee's fitness for duty as a condition of employment.

(1) Municipal government employees shall not take or be under the influence of any narcotics or dangerous substance unless prescribed by the employee's licensed physician. Employees who are required to take prescription medicine shall notify their immediate supervisors of the medication prescribed and the nature of the illness or injury.

(2) Municipal government employees are prohibited from the use, possession, manufacture, distribution, and sale of drugs, alcohol, or any other controlled substance on municipal government property or in city vehicles.

(3) All property belonging to the municipality may be subject to inspection at any time without notice as there may be no expectation of privacy in such property.

(a) Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.

(b) Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance notice (unless waived by the chief administrative officer) and in the presence of the employee.

(4) As a condition of continued employment with the city, all employees must abide by the city's policy and notify the immediate supervisor of any criminal drug statute convictions within five days after such conviction.



The city, in turn, informs the granting or contracting agency within ten days of such notification.

(5) Failure to comply with the provisions or intent of this general order may be used as grounds for disciplinary action up to and including termination, or for requiring the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program. (Ord. #94-12-14, July 1994)

TITLE 5

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

CHAPTER

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.

5-101. Official depository for city funds. The People's Bank of Charlotte, Tennessee, is hereby designated as the official depository for all city funds. (1974 Code. § 6-101)

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<sup>1</sup>Charter references

Official depository: art. IV, § 4.15.

## CHAPTER 2

REAL AND PERSONAL PROPERTY TAXES

## SECTION

5-201. When due and payable.

5-202. When delinquent; penalty and interest.

5-201. When due and payable.<sup>1</sup> Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday of October of the year for which levied. The City of Charlotte, Tennessee property tax collection date will be October 1 through February 28. (1974 Code, § 6-201, as amended by Ord. #93-11-01, June 1993)

5-202. When delinquent; penalty and interest.<sup>2</sup> A late penalty of five percent (5%) and one and one-half percent (1-1/2%) interest per month will be added to all payments received after February 28. (Ord. #93-11-01, June 1993)

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<sup>1</sup>State law reference

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

<sup>2</sup>Charter reference

Tax due dates and tax bills: art. IV, § 4.11.

## CHAPTER 3

PRIVILEGE TAXES

## SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, section 67-4-701 et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1974 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. Violations of this section shall be punished under the general penalty provisions of this code of ordinances. (1974 Code, § 6-302)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

5-401. To be collected. The city clerk is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1974 Code, § 6-401)

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<sup>1</sup>State law reference

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

Municipal code reference

Alcohol and beer regulations: title 8.

## TITLE 6

LAW ENFORCEMENT<sup>1</sup>

## CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.

## CHAPTER 1

POLICE DEPARTMENT

## SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. 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. (1974 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1974 Code, § 1-402)

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

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

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<sup>1</sup>Municipal code reference

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

Pursuant to Tennessee Code Annotated, § 58-2-601 et seq., the City of Charlotte has developed policies and procedures for requesting and responding to requests by local governments for emergency assistance. See Ord. #8-1-93, March 1993, in the office of the city clerk.

- (2) All arrests made by policemen.
- (3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law.

The police chief shall be responsible for insuring that the police department complies with the section. (1974 Code, § 1-407)

## CHAPTER 2

ARREST PROCEDURES

## SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-201. When policemen to make arrests.<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a 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. (1974 Code, § 1-404)

6-202. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. (1974 Code, § 1-406, modified)

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<sup>1</sup>Municipal code reference

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



## TITLE 7

FIRE PROTECTION AND FIREWORKS<sup>1</sup>

## CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.  
[VOLUNTEER FIRE DEPARTMENT.]

## CHAPTER 1

FIRE DISTRICT<sup>2</sup>

## SECTION

7-101. Fire district described.

7-101. Fire district described. The corporate fire district shall be the existing corporate limits of the city.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Pursuant to Tennessee Code Annotated, § 58-2-601 et seq., the City of Charlotte has developed policies and procedures for requesting and responding to requests by local governments for emergency assistance. See Ord. #8-1-93, March 1993, of record in the office of the city clerk.

<sup>2</sup>The significance of the fire district is that Chapter 30 of the Standard Building Code, applicable to the City of Charlotte through title 12 of this code, imposes certain construction, modification and other requirements peculiar to buildings located within the fire district, and prohibits Hazardous (Group H) occupancies within the fire district. Chapter 4, Section 408 of the Standard Building Code defines Hazardous (Group H) occupancy in both general and specific terms, but generally it refers to occupancies involving highly combustible, flammable or explosive materials.

## CHAPTER 2

FIRE CODE<sup>1</sup>

## SECTION

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

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,<sup>2</sup> 1991 edition with 1992 and 1992-93 revisions as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, section 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1974 Code, § 7-201, modified)

7-202. Enforcement.<sup>3</sup> The fire prevention code herein adopted by reference be enforced by the building inspector for Dickson County. He shall have the same powers as the state fire marshal. (1974 Code, § 7-202)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

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

<sup>3</sup>An agreement executed May 24, 1991 between the City of Charlotte and Dickson County appoints the building inspector for Dickson County to enforce all Charlotte building codes.

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Charlotte, Tennessee. (1974 Code, § 7-203)

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

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

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

(4) The district referred to in section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code. (1974 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline. (1974 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1974 Code, § 7-206)

7-207. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause

for this municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1974 Code, § 7-207)

## CHAPTER 3

FIRE DEPARTMENT<sup>1</sup>

## SECTION

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

7-301. Establishment, equipment, and membership. There is hereby established a 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 city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of subordinate officers and firemen as the city council shall appoint. (1974 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1974 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department, under the direction of the city council. (1974 Code, § 7-303)

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

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<sup>1</sup>Municipal code reference

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

work of the department. He shall submit such written reports on those matters to the mayor as the mayor requires. The mayor shall submit a report on those matters to the mayor or the city council as they may require. (1974 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall have the authority to suspend 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. However, only the city council shall dismiss either the fire chief or subordinate officers and firemen. (1974 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the city council. (1974 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, section 68-17-108, the fire chief is designated as an assistant to the state commissioner of insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 17, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (1974 Code, § 7-307)

TITLE 8

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, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1974 Code, § 2-101)

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<sup>1</sup>Municipal code references

Minors in beer places: section 11-102.

State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference

Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

BEER<sup>1</sup>

## SECTION

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

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. (1974 Code, § 2-201, modified)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (1974 Code, § 2-202)

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<sup>1</sup>Municipal code references

Minors in beer places: section 11-102.

Tax provisions: title 5.

State law reference

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



8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (1974 Code, § 2-203)

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. (1974 Code, § 2-204)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (1974 Code, § 2-205)

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. (1974 Code, § 2-206)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to T.C.A. § 57-5-101(b) and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Charlotte. Each applicant must be a person in good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #94-02, Nov. 1993)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994 and each successive January 1, to the City of Charlotte, 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. #94-02, Nov. 1993)

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, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (1974 Code, § 2-208)

8-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer by a Class 2 On Premises Permit holder, within five hundred (500) feet of any hospital, school, church or other place of public gathering; or authorizing the sale of beer within two hundred fifty (250) feet of any hospital, school, church or other place of public gathering. The distances shall be measured in a straight line<sup>1</sup> from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. (1974 Code, § 2-210)

8-211. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (1974 Code, § 2-211)

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

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<sup>1</sup>State law reference

See Watkins v. Naifeh, 625 S. W. 2d 104 (1982) and other cases cited therein which establish the straight line method of measurement.

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (2) Make or allow any sale of package beer to go between the hours of 3:00 a.m. to 5:00 a.m. during any day of the week except Sunday when the hours shall be 3:00 a.m. to 12:00 noon.
- (3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.
- (4) Make or allow any sale of beer to a person under twenty-one (21) years of age.
- (5) Allow any person under 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 drunk persons to loiter about his premises.
- (8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.
- (9) Allow dancing on his premises.
- (10) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (11) Fail to provide and maintain separate sanitary toilet facilities for men and women.

In addition, it shall be unlawful for any Class 2 on premises permit holder to employ any person under the age of eighteen (18) on the premises in any capacity whatsoever. (1974 Code, § 2-212; as amended by Ord. #84-1, Feb. 1984; and further amended by Ord. #96-8-3, March 1996)

8-213. 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. The first violation of this chapter shall result in the revocation of the beer permit for a minimum of fourteen (14) days, second violation no less than thirty (30) days. However, no beer permit shall be revoked 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 any member of the beer board. (1974 Code, § 2-213, as amended by Ord. #94-03, March 1994)

8-214. Civil penalty in lieu of suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offence of making or

permitting to be made any penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #94-02, Nov. 1993)

## TITLE 9

BUSINESSES, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. BROADBAND COMMUNICATION NETWORKS.
6. CABLE TELEVISION REGULATIONS.
7. CABLE TELEVISION.

## CHAPTER 1

MISCELLANEOUS

## SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1974 Code, § 5-102)

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

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

## SECTION

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

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1974 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (1974 Code, § 5-202)

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

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

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

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

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

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

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

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

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1974 Code, § 5-203)

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

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 9-206. The city clerk shall keep a permanent record of all permits issued. (1974 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city clerk in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such

hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1974 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city clerk a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the city clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1974 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (1974 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1974 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1974 Code, § 5-209)



9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1974 Code, § 5-210)

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

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

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1974 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1974 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1974 Code, § 5-213)

## CHAPTER 3

CHARITABLE SOLICITORS

## SECTION

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

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city clerk authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1974 Code, § 5-301)

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

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1974 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1974 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1974 Code, § 5-304)

## CHAPTER 4

POOL ROOMS

## SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

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

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used or zoned for residential purposes. (1974 Code, § 5-501)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1974 Code, § 5-502)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1974 Code, § 5-503)

## CHAPTER 5

BROADBAND COMMUNICATION NETWORKS

## SECTION

- 9-501. Purpose.
- 9-502. Definitions.
- 9-503. License requirement; authority granted by a license.
- 9-504. Terms and conditions for each license.
- 9-505. Selection of grantees.
- 9-506. License agreement.
- 9-507. License fee.
- 9-508. Nature of the system: technical standards.
- 9-509. Nature of the system: services.
- 9-510. Construction of the system.
- 9-511. Operation and maintenance of the system.
- 9-512. Rates and charges.
- 9-513. Records and reports.
- 9-514. Indemnification and insurance.
- 9-515. Reviews, modifications, and renewal of the license.
- 9-516. Termination of the license by reason of default.
- 9-517. Insolvency proceedings.
- 9-518. Procedures following revocation or expiration of license.
- 9-519. Hiring and employment practices.
- 9-520. Prohibition of preferential practices; other business activities.
- 9-521. Subscriber privacy.
- 9-522. Sanctions.
- 9-523. Rights reserved to the city.
- 9-524. Continuing regulation and administration by the city.
- 9-525. Disputes.
- 9-526. Unlawful acts.
- 9-527. Miscellaneous.

9-501. Purpose. The purpose of this chapter is to provide for the granting of non-exclusive licenses to construct, operate and maintain broadband communication networks in the public ways of the City of Charlotte; to provide for the specifications, procedures and standards for the same; to provide for the regulation of such networks; and to provide for the payment to the city for the privilege of exercising the rights granted by such licenses. (Ord. #83-1, Feb. 1983)

9-502. Definitions. The following terms, phrases and words and their derivatives shall have the meaning specified herein.

(1) "Annual gross revenues" shall mean all revenues received by the grantee, its affiliates, and/or subsidiaries from and in connection with the operation of the Broadband Telecommunications Network in the City of Charlotte and which may lawfully be included in the base on which the city may calculate the license fee herein, provided that sales taxes or other taxes or fees which are separately billed to subscribers for remittance to a governmental agency or other third party are excluded from the term "Annual Gross Revenues".

(2) "Basic service" shall mean the service package offered by the grantee to subscribers which includes (but which is not necessarily limited to) the signals referred to in § 9-509(1) and at least one channel for municipal access, for educational access, and public access. If more than one service package meets the foregoing conditions, then the service package which is offered at the lowest rate shall constitute the basic service.

(3) "Board or "city council" shall mean the city council of the City of Charlotte.

(4) "Broadband Telecommunications Network" (BTN) shall mean all of the component physical operational and programming elements of any network of cables, optical, electrical or electronic equipment, including cable television, used for the purpose of transmission of electrical impulses of television, radio and other intelligences, either analog or digital for sale or use by the inhabitants of the city.

(5) "Commence operations" shall mean that time and date when operation of the BTN is considered to have commenced, which shall be when sufficient distribution facilities have been installed so as to permit the offering of full network service to at least twenty percent (20%) of the dwelling units located within the city.

(6) "Expanded service" shall mean a service package offered by the grantee to subscribers other than the basic service, pay service, and two-way service.

(7) "FCC" shall mean the Federal Communications Commission and any legally appointed or elected successor.

(8) "License" shall mean the non-exclusive rights granted pursuant to this chapter to construct and operate a broadband telecommunications network along the public ways within all or a specified area in the city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of the city.

(9) "Full network service" shall mean basic service and expanded service and all pay services. The term does not include two-way service.

(10) "Grantee" shall mean any person receiving a license pursuant to this chapter and under the granting license ordinance, and its lawful successor, transferee or assignee.

(11) "May" is permissive.

(12) "Pay service" shall mean any service package which consists of not more than two channels and for which a monthly or other service charge is made.

(13) "Person" shall mean an individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

(14) "Public school" shall mean any school at any educational level operated within the city by any public, private, or parochial school system, but limited to elementary, junior high school, and high school.

(15) "Reasonable notice" shall be written notice addressed to the grantee at its office, which notice shall be certified and postmarked not less than four (4) days prior to the day in which the party giving such notice shall commence any action which requires the giving of notice. In computing said four (4) days, Saturdays, Sundays and holidays recognized by the city shall be excluded.

(16) "Sale" shall include any sale, exchange, barter or offer for sale.

(17) "Service package" shall mean one or more communications channels which are offered as a unit by the grantee to subscribers and for which a separately identifiable charge is made.

(18) "Shall" and "Must", each is mandatory and not merely directory.

(19) "Street" shall include each of the following which have been dedicated to the public or is hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public ways and extensions and additions thereto, together with each other public property and areas that the city shall permit to be included within the definition of street from time to time.

(20) "Subscriber" shall mean any person receiving a legal service package.

(21) "Substantially completed" shall occur when sufficient distribution facilities have been installed by the grantee so as to permit the offering of full network service to at least ninety percent (90%) of the potential subscribers in the city.

(22) "Two-way service" shall mean any service which involves the transmission of a signal from a subscriber to a facility maintained by the grantee as part of the BTN. This term includes, (but is not limited to) fire, security and medical alert, systems.

(23) "City" shall mean the City of Charlotte, a municipal corporation of the State of Tennessee. (Ord. #83-1, Feb. 1983)

9-503. License requirement; authority granted by a license. (1) License required. No person shall construct, install, maintain operate on or within any street, any equipment or facilities for the distribution of television signals or radio signals or other intelligences, either analog or digital, over a BTN to any subscriber unless a license authorizing the use of the streets has first been obtained pursuant to the provisions of this chapter; and thereafter only while said person is legally operating under the terms and provisions of said license.

(2) Authority granted. Any license granted hereunder shall give to the grantee, subject to the provisions of this chapter, the right and privilege at its own expense, to construct, erect, operate, modify and maintain in, upon, along, above, over and under the streets, such towers, antennas, cables, electronic equipment, and other network appurtenances necessary for the operation of a BTN in the city. (Ord. #83-1, Feb. 1983)

9-504. Terms and conditions for each license. (1) License non-exclusive. Any license granted hereunder shall not be exclusive. The city reserves the right to grant other licenses to other persons at any time or times.

(2) Term of license. Each license granted under this chapter shall take effect and be in force as provided herein for a term of fifteen (15) years from the date of acceptance by licensee, subject, however, to the right of the city to terminate said license as provided herein.

(3) Non-interference with use of streets. The right and privilege granted by a license shall be exercised so as not to interfere with the use of the streets by the city and such others as may be designated by the city to use such streets, and the city may demand the removal of any cables or equipment as have been constructed by the grantee when the city believes that such is interfering with the use of the streets.

(4) Transfer of license. (a) No license granted hereunder may be sold, transferred, leased, assigned or disposed of, whether by way of sale, merger, consolidation, or otherwise, without in each case the prior written consent of the city, and then only under such conditions as the city may establish. Such consent shall not be unreasonably withheld.

(b) Notwithstanding the provisions of § 9-504(4)(a), a license may be mortgaged, pledged or assigned as security for the financing of the related BTN. Such mortgage, pledge or assignment may be made without the consent of the city, but any such mortgage, pledge or assignment shall be subject to the terms and conditions of the license and the related license agreement and to the rights of the city under this chapter.



(c) Reference is made to § 9-504(9)(a) for the effect of changes in ownership or control of the grantee and to § 9-504(9)(b) for rules covering control of a BTN by a financial institution.

(d) Reference is made to § 9-517 for transfers in connection with insolvency proceedings.

(5) License territory. Each license granted hereunder shall relate to the territorial limits of the city, or such lesser area as may be designated by the board, and to any area henceforth added thereto during the term of the license.

(6) Privileges must be specified. No privilege or exemption shall be granted or conferred by any license granted except those specifically prescribed herein.

(7) Obligations of grantee to obtain other permits. Any license granted hereunder shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the city, utility company, or from others maintaining utilities in streets.

(8) License binding. Any license granted hereunder shall be binding upon the grantee, and all successors, lessees, or assignees as may be approved by the city.

(9) Transactions affecting ownership or control. (a) Express approval of the board, which shall not be unreasonably withheld, shall be required where ownership or control of more than ten percent (10%) of the right of control of or interest in the license is acquired by a person or group of persons acting in concert, none of whom already own or control ten percent (10%) or more of such right of control of interest, singularly or collectively. Transfer from a subsidiary to a parent corporation or vice versa shall not be considered change of control.

(b) Any financial institution having a pledge of, or other form of security interest in a license, or in the assets of a grantee, for the advancement of money for the construction and/or operation of the BTN, shall have the right to notify the city that it or its designee satisfactory to the city will take control and operate the BTN. However, such financial institution shall also submit a plan for such operation that will insure continued service and compliance with all license obligations during the term the financial institution exercises control over the BTN. The financial institution shall not exercise control over the BTN for a period exceeding one year unless extended by the board in its discretion and during said period of time it shall have the right to petition the city to transfer said license to another grantee. If the city finds that any transfer after considering the legal, financial, character, technical and other public interest qualities of the applicant is satisfactory, the city will transfer and assign the rights and obligations of such license as in the

public interest. The consent of the city to such transfer shall not be unreasonably withheld. (Ord. #83-1, Feb. 1983)

9-505. Selection of grantees. (1) Applications for a license. Applications for an original license grant hereunder shall be filed with the mayor and if the applicant is awarded a license pursuant to this chapter that it agrees to pay reasonable attorney's fees. Such applications shall contain written information which is responsive to requirements established from time to time by the board.

(2) Acceptance of certain applications. Applications for a license which were submitted to and accepted by the city prior to November 23, 1982 shall be deemed to be in compliance with § 9-505(1).

(3) Criteria for evaluation of applications. Applications for a BTN license will be evaluated under the following criteria:

(a) Experience. Preference may be given to applicants that can give evidence of providing dependable and complete service to other communities and who have established a record of excellent construction practices, ability to meet deadlines, and good planning and marketing practices.

(b) Financial stability. Preference may be given to applicants that present evidence of financial resources which will assure that the applicant will have the ability to complete the entire BTN In the license area within the time period set forth in § 9-510(1).

(c) System design. Preference may be given to a system which contains the flexibility to adjust to new technological development and which indicates that high quality equipment will be used and high quality maintenance practices will be followed.

(d) Services. Preference may be given to the applicant that proposes to provide superior programming. In determining what constitutes superior programming, particular consideration will be given to local origination, and the resources which an applicant proposes to devote to local origination in order to make it interesting, innovative, and financially feasible.

(e) Local studio facilities. Preference may be given to applicants that propose to maintain studio facilities within the city.

(f) Rate schedules. Preference may be given to applicants with the most reasonable installation and subscriberrate schedules. However, such schedules must be justified in financial pro forma statements by the use of realistic levels of penetration.

(g) Local ownership and control. The degree of local ownership and control of an applicant will be taken into account.

The foregoing criteria are not listed in any order of priority.

(4) Evaluation process. The board shall hold at least one public hearing in connection with each application duly filed pursuant to § 9-505(1) at which the applicant and all other interested parties shall be given the opportunity to be heard. The board, or such committee or committees of the board, or such special committees as the board may designate, shall conduct such further hearings or investigation as the board deems necessary. At the conclusion of such hearings and investigation, the board may determine that no license should be granted or, alternatively, the board may select that application which the board considers has presented a proposal which satisfies the interests of the city in the light of the criteria set forth in § 9-505(3). The decision of the board concerning grantee selection shall be final.

(5) Procedures for granting a license. If the board determines that a license should be granted hereunder, the board will then proceed as follows:

(a) The board shall, by resolution, make a tentative selection of the applicant. Such action shall not constitute the award of a license and shall not confer any rights upon the applicant except to proceed in accordance with this § 9-505(5).

(b) The proper officers of the city and the applicant shall discuss the terms of the license agreement described in § 9-506 of this chapter.

(c) If the city and the applicant reach agreement as to the terms and conditions of the license agreement, the agreement shall be presented to the board for approval and authorization for execution by the mayor.

(d) The board shall then, by ordinance, grant a license to the applicant.

(6) Effective date of license. The effective date of a license shall be the date on which the ordinance referred to in paragraph (d) of § 9-505(5) is adopted by the board. (Ord. #83-1, Feb. 1983)

9-506. License agreement. (1) Agreement required. No license shall be granted hereunder unless the applicant and the city have executed a license agreement which shall set forth the terms and provisions of the license.

(2) Contents of agreement. (a) Each license agreement shall contain the following express representations by the grantee:

(1) The grantee has carefully read the terms and conditions of this chapter and the license agreement and accepts all of such terms and conditions and agrees to abide by the same.

(2) The grantee acknowledges that it has carefully read the terms and conditions of this chapter and expressly waives any claims that any provisions thereof are unreasonable or arbitrary or void.

(3) The grantee acknowledges that it has not been induced to accept the license by any promise, verbal or written, by or on behalf of the city or by any third person, regarding any term or condition of this chapter or the license agreement not expressed therein.

(4) The grantee represents that no promise or inducement, oral or written, has been made to any city employee or official regarding receipt of the license.

(b) In addition to those matters required to be included in the license agreement by virtue of this chapter, the license agreement shall contain such further conditions or provisions as may be included in the grantee's proposal and/or negotiated between the city and the grantee except that no such conditions or provisions shall be such as to conflict with any provisions of this chapter or other law. In case of such conflict, or in case of any ambiguity between any terms or provisions of the license agreement and this chapter, the words of this chapter shall control. (Ord. #83-1, Feb. 1983)

9-507. License fee. (1) Annual license payment. Each grantee of a license hereunder shall pay to the city an annual fee in an amount equal to not more than 3% (three percent) of the annual gross revenues allowed by the FCC. Such payment shall be in addition to any other payment, charge, permit fee or bond owed to the city by the grantee and shall not be construed as payment in lieu of personal or real property taxes levied by state, county or local authorities.

(2) Method of computation. The fee payable under § 9-507(1) shall be computed on the basis of the grantee's fiscal year.

(3) Partial payments. (a) Within 30 days after the end of the first six months of each fiscal year of the grantee, the grantee shall make a partial payment of the annual fee due for that year. Such partial payment shall be equal to one-half ( $\frac{1}{2}$ ) of the negotiated percentage of the grantee's gross revenues for such six-month period. "Gross revenues" for this purpose shall be determined in the same manner as annual gross revenues.

(b) The city and the grantee may agree to a greater number of partial payments in each fiscal year by a provision therefore in the license agreement.

(4) Time of annual payment. The payment of the amount required under § 9-507(1) shall be due not later than ninety days (90) after the end of the fiscal year for which such payment is computed. Such payment shall equal the amount determined under § 9-507(1), minus all partial payments theretofore made under § 9-507(3).

(5) Place of payment. All payments made under this section shall be made at the office of the city treasurer during normal business hours.

(6) Certificates. Each payment made pursuant to this section shall be accompanied by a certificate of an executive officer of the grantee to the effect that the amount of the payment has been correctly determined in accordance with the provisions of this chapter.

(7) Audit rights. The city may cause an audit to be made of the grantee's books and records for the purpose of verifying the correct amount of any payment required under this section. If such an audit discloses a deficiency in the amount paid of 10% or more of the amount which should have been paid, the grantee shall pay forthwith to the city upon demand the cost of such audit, subject, however to the provisions of § 9-525 of this chapter concerning disputes.

(8) Acceptance by city. No acceptance of any payment by the city shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a license fee under this chapter or for the performance of any other obligation of the grantee.

(9) Failure to make required payment. In the event that any license payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay an interest charge, computed from such due date, at the annual rate of twelve percent (12%) per annum. (Ord. #83-1, Feb. 1983)

9-508. Nature of the system: technical standards. (1) General requirements. Each BTN for which a license is granted hereunder shall be designed, installed and operated so as to meet the following general requirements:

(a) The system shall be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the FCC.

(b) The system shall consist of a cable network having a minimum initial forward bandwidth in compliance with the technical standards and rules of the FCC; provided that if a reverse or feedback circuit is routed through a subscriber's premises, it shall be connected so as to permit subscriber notification and deactivation.

(c) The system shall be capable of continuous twenty-four (24) hour daily operation.

(d) The system shall be operated in such a manner as to avoid causing interference with reception of off-the-air signals by non-subscribers to the network, and if any problems arise in non-subscriber interference, it will be the grantee's duty to resolve the problem at no charge to the non-subscriber.

(e) The system shall be designed, installed and operated so as to comply with all applicable technical standards and regulations promulgated by the FCC.

(f) The system shall be designed, installed and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the FCC-designated Class I television channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the BTN.

(2) Performance monitoring. (a) The performance of each BTN for which a license is granted hereunder with respect to the standards set forth in § 9-508(1) shall be monitored in accordance with this section.

(b) Test procedures used in verification of the performance criteria set forth herein, if not as set forth in paragraph 76.609, Subpart K, of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed with the city.

(c) To the extent that the report of measurements as required above may be combined with any reports of measurement required by the FCC or other regulatory agencies, the city shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the city are satisfied.

(d) Not later than ninety (90) days after any new or substantially rebuilt portion of the system is made available for service to subscribers, technical performance tests shall be conducted by the grantee to demonstrate full compliance with the Technical Standards of the FCC. Such tests shall be performed by, or under the supervision of, a qualified registered professional engineer or an engineer with proper training and experience. A copy of the report shall be submitted to the city describing test results, instrumentation, calibration, and test procedures, and the qualifications of the engineer responsible for the tests.

(e) At any time after commencement of service to subscribers, the city may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and such tests will be limited to the particular matter in controversy. The city will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to grantee or the subscriber.

(3) Interconnections. (a) Whenever it is financially and technically feasible, the grantee shall so construct and operate the network so that the network can be interconnected into all other networks within the city.

(b) Wherever it is financially and technically feasible, the grantee shall so construct and operate the network so that the network can be interconnected into all other networks adjacent to the city. (Ord. #83-1, Feb. 1983)

9-509. Nature of the system: services. (1) Carriage of area television stations. Whether or not required by rules and regulations of the FCC, each BTN for which a license is granted hereunder shall carry the signals of all television broadcast stations whose specified zone includes the City of Charlotte.

(2) Other channel requirements. Whether or not required by the rules and regulations of the FCC, each BTN for which a license is granted hereunder shall:

- (a) have a minimum capacity of thirty (30) channels;
- (b) have the capacity for two-way active communications;

(3) Service packages. Subject to the provisions of § 9-509(4), a grantee may offer service packages to subscribers or potential subscribers in such number, description and content as the grantee shall determine, provided that all service packages shall be offered on a non-discriminatory basis as provided in § 9-510(1).

(4) Basic service. Each grantee shall offer the basic service as defined in this chapter. The basic service need not be offered by that name, insofar as subscribers are concerned, but for the purposes of this chapter the service shall be known as the basic service. The grantee shall not be required to provide the basic service to a subscriber as a condition to the provision of other service packages. The provisions of this section shall not be construed as any effort by the city to regulate the program content of the basic service; the only purpose of this section is to insure that the basic service will be offered to subscribers as one of the grantee's service packages.

(5) Public installations and service thereto. (a) The grantee shall connect the BTN to each public school, public library, and such municipal buildings as the city may designate, without charge for installation and maintenance of such connections. Such installations shall be made within sixty (60) days of completion of the cable trunk line that would serve those buildings.

(b) Any service granted pursuant to subsection (a) above may be extended by the persons receiving such service to as many areas within the building where the service is granted or its adjacent buildings which are a part of the total complex receiving such service. The person

receiving such service shall pay all expenses for any such extension and shall complete such extension so as not to interfere with the operation of the BTN. All extensions must be made either by the grantee or in accordance with the same material and installation specifications required by the grantee.

(c) The grantee shall provide, without charge, the full basic service to each installation made pursuant to § 9-508(3)(a), except that a grantee shall be excused from the foregoing requirement if and to the extent that compliance would conflict with contractual provisions between the grantee and the grantee's program suppliers.

(6) Emergency alert override. Each grantee shall incorporate into its facilities the capability for a remotely activated emergency override alert system whereby a designee of the city, in times of emergency, may introduce an audio and/or visual message on all BTN channels simultaneously. The city shall hold grantee harmless and indemnify grantee for liability resulting from the emergency use of the BTN by the city. (Ord. #83-1, Feb. 1983)

9-510. Construction of the system. (1) Construction schedule. (a) Permits. Within ninety (90) days after the effective date of its license, the grantee shall file with the appropriate governmental authorities and with the necessary utility companies, all initial papers, applications, contracts and other documents necessary to permit the commencement of construction and operation of the BTN, and shall thereafter make diligent efforts to obtain the proper execution and delivery of such documents. The grantee shall report to the city every ninety (90) days on its progress in obtaining necessary permits, contracts and other necessary documents as contemplated above.

(b) Target dates. Within ninety (90) days after the effective date of its license, the grantee shall furnish the city a construction schedule and map setting forth target dates by areas for commencement of service to subscribers. The schedule and map shall be updated whenever substantial changes become necessary.

(c) Commencement of operation. Within six (6) months after the date on which the grantee has received all necessary utility company permits, the grantee shall commence operation.

(d) Substantial completion of construction. Within twelve (12) months after the date on which the grantee has received all necessary utility company licenses, the grantee shall have substantially completed the BTN.

(2) Construction standards. (a) Compliance with safety codes. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as all state and local codes where applicable.



(b) Compliance with electrical codes. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the city building codes.

(c) Antennas and towers. Antenna supporting structures (towers) shall be designed for the proper loading zone as specified in Electronics Industry Association's R.S. - 22A Specifications.

(d) Construction standards and requirements. All of the grantee's plant and equipment, (including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances, if and to the extent located within the city, shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, and such work shall be performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the municipality may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

(e) Safety, nuisance, requirements. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

(3) Street occupancy. (a) Grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install new, different, or additional poles, conduits, or other facilities on public property until the written approval of the city is obtained, which approval shall not be unreasonably withheld. Grantee shall not acquire any vested interest in any location for any pole or wire-holding structure, and such poles or structures shall be removed or modified by the grantee at its own expense whenever the city determines that the public convenience would be enhanced thereby.

(b) The facilities of the grantee shall be installed underground in those areas of the city where existing telephone and electric services are both underground at the time of network construction. In areas where either telephone or electric utility facilities are installed aerially at the time of network construction, the grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the city, the grantee shall likewise place its facilities underground.

(c) A grantee shall notify the city at least ten (10) days prior to the intention of the grantee to commence any construction in any streets.

The city shall cooperate with the grantee in granting any permits required, providing such grant and subsequent construction by the grantee shall not unduly interfere with the use of such streets and that the proposed construction shall be done in accordance with the provisions of the city code.

(d) All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition and in good order and repair. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares, or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the grantee shall be placed in such manner as not to interfere with the usual travel on such public way.

(e) Grantee shall, at its own expense and in a manner approved by the city, restore to city standards and specifications any damage or disturbance caused to the public way as a result of its operations or construction on its behalf. Grantee shall guarantee and maintain such restoration for a period of one year against defective materials or workmanship.

(f) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the mayor, the director of public works, the fire chief, or the police chief, to remove or damage any of the grantee's facilities, no charge shall be made by the grantee against the city for restoration and repair, unless such acts amount to gross negligence by the city.

(g) Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the city.

(h) The grantee, at its expense, shall protect, support, temporarily disconnect, relocate, or remove any property of the grantee when, in the opinion of the mayor, the same is required by reason of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power lines, signal lines, transportation facilities, tracks, or any other type of structure or improvement by governmental agencies, whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including (but not limited to) movement

of buildings, renewal of areas within the city, and any general program under which the city shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligation, to abandon any property of grantee in place, nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

(i) Upon failure of grantee to commence, pursue or complete any work required by law or by the provisions of this chapter to be done in any street, within the time prescribed and to the satisfaction of the mayor, the mayor may, at his option, cause such work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported by the mayor to grantee, within thirty (30) days after receipt of such itemized report.

(j) The grantee shall make no paving cuts or curb cuts unless absolutely necessary, and then only after written permission has been given by the mayor.

(k) The grantee shall install in conduit, all cable passing under the roadway.

(l) A charge may be made to grantee for use of any existing poles.

(4) Performance bond. The grantee shall maintain throughout the period of network construction a faithful performance bond in favor of the city, with a surety approved by the city, in the penal sum total of five thousand dollars (\$5,000.00), conditioned upon the faithful performance by the grantee of its obligations under this chapter and the license. When the BTN has been substantially completed as defined herein, the penal sum total of the performance bond shall be reduced to two thousand five hundred dollars (\$2,500.00) through the remainder of the term of the license, or any renewal or extension thereof and upon the further condition that in the event the grantee shall fail to comply with any law, ordinance, or regulation governing the license, there shall be recoverable, jointly or severally from the principal and surety of the bond, any damages or a loss suffered by the city as a result, including the full amount of any compensation indemnification or cost of removal or abandonment of any property of the grantee, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. The city, at its sole discretion, may at any time subsequent to completion of construction, waive (subject to later reinstatement) the requirement of the grantee to maintain said bond. The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be cancelled nor the intention not to renew stated until thirty (30) days after receipt

by the city by registered mail of a written notice of such intent to cancel or not to renew." (Ord. #83-1, Feb. 1983)

9-511. Operation and maintenance of the system. (1) Repair. Any damage caused by the grantee's negligence shall be repaired fully by the grantee.

(2) Office and phone for service. The grantee shall maintain an office in Dickson County, Tennessee which shall be open during all usual business hours, shall have a locally listed telephone and shall be so operated that complaints and requests for repairs or adjustments may be received at any time. Alternatively, the licensee may designate an agent, who has an office in the city, who is authorized to receive complaints and requests for repairs or adjustments. In addition, the grantee shall maintain a convenient service in the city during normal business hours for the receipt of sums due by its subscribers and shall provide for regular billing of accounts.

(3) Notification of service procedures. The grantee shall furnish each subscriber at the time service is installed written instructions that clearly set forth procedures for placing a service call, or requesting an adjustment.

(4) Service response time. The grantee shall use its best efforts to provide prompt service response for all complaints and requests for repairs or adjustments. In no event shall response time exceed twenty-four (24) hours except in circumstances beyond the reasonable control of the grantee.

(5) Service interruptions and notification. The grantee shall interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible, and except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance of the service interruption. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance, and repair, without notifications, any night except Friday, Saturday or Sunday, or the night preceding a holiday.

(6) Request for removal or change. (a) The grantee shall, on the request of any person holding a building moving permit issued under the provisions of Section \_\_, Chapter \_\_ of the city code, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires, shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than fifteen (15) days advance notice of any move contemplated to arrange for temporary wire changes.

(b) The city shall notify the grantee at least ten (10) days prior to the intention of the city to commence any construction in the streets

that requires the relocation of grantee's lines, wires or other network appurtenances so as not to interfere with such construction.

(c) In the event that continued use of a street is denied to the grantee by the city for any valid reason, the grantee shall provide service to affected subscribers over alternate routes within a reasonable period of time.

(7) Subscriber's right to cancel service. (a) Any subscriber shall have the right to cancel any or all service packages upon thirty (30) days written notice to the grantee.

(b) Upon termination of service to any subscriber, the grantee shall promptly remove all of its facilities and equipment from the subscriber's premises upon his request.

(8) Abandonment of service. (a) After grantee has established service pursuant to this chapter in the license area, such service shall not be suspended or abandoned in the whole or any part of the license area unless the suspension or abandonment is authorized by the board.

(b) Whenever grantee shall file with the board a written application alleging that the public interest no longer requires that grantee furnish service pursuant to this chapter in the whole or in any part of the license area, the board, at a public hearing, shall take evidence upon that question and shall make a finding with respect to it. Notice of the hearing shall be given by the grantee in writing to each subscriber in the part of the license area in question at least fifteen (15) days prior to the date scheduled for the hearing. If the city board shall find that the public interest no longer requires that the grantee furnish service, the board, after hearing as provided herein, shall authorize suspension or abandonment of service upon such reasonable terms and conditions as may be prescribed by the board. (Ord. #83-1, Feb. 1983)

9-512. Rates and charges. (1) Rates and service schedules. The grantee shall at all times maintain on file with the city a complete and current schedule showing all services being provided under the grantee's license, the fees and charges for each of such services, the charges for connections or disconnections, and any other charges which may be made by the grantee in connection with the BTN. Such schedule shall also show the components of the basic service, the expanded service, and the pay service, each on a channel-by-channel basis, the monthly charge for each service package, and reasonably complete descriptions of each service package.

(2) Initial rates. The rates and charges initially charged by a grantee for each of its service packages, as shown in the first schedule filed under § 9-512(1), shall be the same as proposed in the grantee's application for a

license. Such rates and charges shall not be increased until the second anniversary of the date on which the BTN was substantially completed.

(3) Modification of rates. After the second anniversary of the date on which the BTN was substantially completed, the grantee may modify its rates from time to time by filing a revised schedule in accordance with § 9-512(1). Each rate adjustment shall become effective on the date designated by the grantee in the schedule, provided, that such date may not be less than sixty (60) days from the date on which the schedule was filed, and provided, further, that this section is subject to the provisions of § 9-512(4).

(4) Regulation of rates. It is the policy of the city not to regulate rates charged by a grantee for any of its services. However, the city expressly reserves the right to regulate the grantee's rates to the extent permitted by law. At the time of each hearing conducted pursuant to § 9-515(1), the city shall consider whether to regulate rates. If the city determines at any of such times to regulate rates, this chapter shall be amended to provide for appropriate standards and hearings in order that such rates, may be fairly and equitably determined. Each license granted hereunder shall be subject to the city's right to amend this chapter for the purpose stated in this section. Such right shall be exercised at the sole discretion of the city.

(5) Disconnections. No charge may be made for disconnection from the BTN. However, if a subscriber has failed to pay properly due monthly fees, or if a subscriber disconnects for seasonal periods, the grantee may require, in addition to full payment of any delinquent amounts, a reasonable fee for reconnection to the system.

(6) No consideration beyond schedule. A grantee shall not receive any consideration whatsoever for or in connection with its provision of service to its subscribers other than as set forth in this section or in the schedule then on file with the city. (Ord. #83-1, Feb. 1983)

9-513. Records and reports. (1) Records required. Each grantee shall at all times maintain:

(a) A record of all complaints received and interruptions or degradation of service experienced for the preceding three (3) years.

(b) A full and complete set of plans, records, and "asbuilt" maps showing the exact location of all BTN equipment installed or in use in the city, exclusive of subscriber service drops.

(2) Reports required. Each grantee shall file with the city the following reports:

(a) Reports to be filed within sixty (60) days after the end of each fiscal year of the grantee:

(i) An "Annual Report of Cable Television Systems" (FCC Form 325, Schedules 1, 2, 3 and 4).

(ii) An ownership report indicating all persons who at any time during the preceding year controlled or benefited from an interest in the license of ten (10%) per cent or more. This report shall also include all creditors secured by pledges or other form of security interest in the BTN and all unsecured creditors whose claims in respect to the operation of the license in the city exceed \$50,000.00.

(iii) A summary list of all complaints and BTN "down time" received or experienced during the year.

(iv) A report showing or containing:

(A) the total number of hours of utilization of each of the channels described in items (3), (4) and (5) of § 9-509(2).

(B) the number of persons subscribing to two-way service, and

(C) a brief statement indicating whether grantee is planning any new services for the ensuing years as a result of technological development in the cable television industry.

(b) Reports or certificates to be filed promptly after the indicated event occurs:

(i) Written evidence of each payment of the premium for the performance bond required hereunder.

(ii) Written evidence of the payment of each premium for each policy of insurance required hereunder.

(3) Documents required. Each grantee shall file with the city a true copy of the most current form of each of the following documents:

(a) The performance bond required hereunder.

(b) All policies of insurance required hereunder.

(c) All rules, regulations, and policy statements adopted by the grantee in operating the BTN.

(4) Filing. When not otherwise prescribed herein, all matters required to be filed with the city shall be filed with the mayor.

(5) Inspection of property and records. At all reasonable times, grantee shall permit examination by any duly authorized representative of the city, of all license property, together with any appurtenant property of grantee situated within or without the city. The grantee shall also permit any duly authorized representative of the city to examine and transcribe any and all maps and other records kept or maintained by grantee or under its control concerning the operations, affairs, transactions or property of grantee. If any of such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the mayor shall determine that an

examination of such maps or records is necessary or appropriate to the performance of any of his duties, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee. (Ord. #83-1, Feb. 1983)

9-514. Indemnification and insurance. (1) Indemnification agreement. The grantee shall indemnify, and hold harmless the city, its officers, boards, commissions, agents and employees against and from any and all claims, demands, causes of action, actions, suits, proceedings, damages (including but not limited to damages to city property and damages arising out of copyright infringements and damages arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by grantee's BTN), costs or liabilities (including costs or liabilities of the city with respect to its employees), of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to the exercise of or the enjoyment of any license hereunder by grantee, or the granting thereof by the city; provided, that the grantee shall not be liable for any such damages, fees or expense where any lawsuit is based on the actions or omissions of the city but not on any act or omission by the grantee.

(2) Insurance. The grantee shall maintain a general comprehensive liability insurance policy naming as an additional insured, the city, its officers, boards, commissions, agents and employees. Such policy shall be issued by a company mutually acceptable to the grantee and the city in a form satisfactory to the city and protecting the city and all persons against liability for loss or damage, for personal injury, death or property damage, occasioned by the operations of the grantee under any license granted hereunder to grantee in the amount of:

(a) \$500,000 for bodily injury or death to any one person, within the limit, however, of \$1,000,000 for bodily injury or death resulting from any one accident.

(b) \$500,000 for property damage resulting from any one accident.

(c) Workmen's compensation insurance in such coverage as may be required by the workmen's compensation insurance and safety laws.

(3) Notice of cancellation or reduction of coverage. The insurance policies referred to above shall contain an endorsement stating that the policies



are extended to cover the liability assumed by the grantee under the terms of this chapter and shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the city by registered mail of written notice of such intent to cancel or reduce the coverage." (Ord. #83-1, Feb. 1983)

9-515. Reviews, modifications, and renewal of the license.

(1) Three-year reviews. On or about the third, sixth, ninth, and twelfth anniversaries of the effective date of the license grant, the board shall schedule and hold a public meeting or meetings with the grantee to review the performance by the grantee under the license, including future plans of the grantee regarding operation and performance. In particular, the city may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. At such meeting, the board shall consider whether the rates of the grantee should be regulated. The grantee shall make available to the city, if requested by the city, such records, documents and information which are relevant to such meeting and inquiry.

(2) Modifications necessitated by FCC regulations. Any changes in the license agreement necessitated by modifications in the FCC's regulations shall be incorporated into the license agreement within the time limit, provided for in the Rules and Regulations of the FCC then in force and effect.

(3) License renewal. At least six (6) months prior to the expiration of a license, the city shall schedule and hold a public meeting or meetings with the grantee to review and discuss the performance of the grantee under the license, including the results following previous license reviews. In particular, the city may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. The grantee shall make available, if requested by the city, such records, information and documents which are relevant to such meeting and inquiry. Any interested person shall have the opportunity to be heard. The purpose of such meeting or meetings shall be to consider the question of whether the license granted to the grantee should be renewed.

(4) No obligation to reissue. Irrespective of the type and quality of the performance of the grantee, the city is under no obligation whatsoever to reissue a license to the grantee. At least five (5) months prior to the expiration of the license, however, the city shall advise the grantee whether or not the license reissuance shall be based solely upon negotiations by and between the grantee and the city. The failure to reissue a license shall not prohibit the grantee from applying for a new license in competition with other applicants for a license in

the event that the city decides to consider proposals from new applicants for the license. (Ord. #83-1, Feb. 1983)

9-516. Termination of the license by reason of default. (1) Grounds for revocation. The city reserves the right to revoke any license granted hereunder and to rescind all rights and privileges associated with the license in the following circumstances, each of which shall represent a default and breach under this chapter and the license agreement:

(a) A default by the grantee in the performance of any of its material obligations under this chapter or under the license agreement or under such documents, contracts, and other terms and provisions entered into by and between the city and the grantee.

(b) A failure by the grantee to provide or maintain in full force and effect the liability and indemnification coverages or the performance bond as required herein.

(c) Frequent violations by the grantee of any orders or rulings of any regulatory body having jurisdiction over the grantee relative to this license.

(d) The grantee's cessation of services for any reason within the control of the grantee over the BTN. However, the grantee shall not be declared at fault or subject to any sanction under any provision of this chapter in any case in which performance of any such provision is prevented for reasons beyond the grantee's control. Fault shall not be deemed to be beyond the grantee's control if committed by a corporation or other business entity in which the grantee holds a controlling interest, whether held directly or indirectly.

(e) Attempts by the grantee to evade any of the provisions of this chapter or of the license agreement, or the practice of any fraud or deceit upon the city.

(2) Procedures prior to revocation. If it appears to the mayor that one or more grounds exist for revoking a grantee's license, the following procedures shall then be followed:

(a) The mayor may make a written demand that the grantee comply with the requirement, limitation, term, condition, rule or regulation, which the mayor believes to be applicable.

(b) If the failure, refusal or neglect of the grantee continues for a period of thirty (30) days following such written demand, the mayor may place a request for termination of the license upon the next regular board meeting agenda.

(c) The mayor shall cause to be served upon the grantee, at least ten (10) days prior to the date of such board meeting, a written notice of his intent to request a revocation of grantee's license. Such

notice shall state the time and place of the board meeting and notice of such request shall be published by the city clerk at least once during the ten-day period preceding the board meeting in a newspaper of general circulation within the city.

(d) The board shall consider the request of the mayor and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal, or neglect by the grantee was with just cause.

(e) If the failure, refusal or neglect by the grantee was with just cause, the board shall direct the grantee to comply within such time and manner, and upon such terms and conditions, as are reasonable.

(f) If the board shall determine that such failure, refusal or neglect by the grantee was without just cause, then the board may, by resolution, declare that the license of the grantee shall be revoked and terminated and the bond forfeited, unless there is compliance by the grantee within such period as the board may fix. (Ord. #83-1, Feb. 1983)

9-517. Insolvency proceedings. (1) Right to terminate license in case of insolvency proceedings. The license herein granted shall, at the option of the board, cease and terminate one hundred twenty (120) days after the appointment of a receiver or receivers or trustee or trustees, designated to take over and conduct the business of the grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120-day period, or unless both of the following conditions are satisfied:

(a) Such receivers or trustees shall have, within sixty (60) days after their election or appointment, fully complied with all the terms and provisions of this chapter and the license granted pursuant hereto, and the receivers or trustees within said 120 days shall have remedied all defaults under the license; and

(b) Such receivers or trustees shall, within said 60 days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the license granted herein.

(2) Right to terminate license in case of foreclosure or judicial sale. In the case of a foreclosure or other judicial sale of the plant, property and equipment of the grantee, or any part thereof, including or excluding the license granted to grantee, the board may serve notice of termination upon the grantee and the successful bidder at such sale. In such event, the license shall cease and terminate thirty (30) days after service of such notice, unless:

- (a) The board shall have approved the transfer of the license as and in the manner in this chapter provided; and
- (b) Such successful bidder shall have covenanted and agreed with the city to assume and be bound by all the terms and conditions of the license. (Ord. #83-1, Feb. 1983)

9-518. Procedures following revocation or expiration of license.

(1) Disposition of facilities. If a license expires, is revoked, or is otherwise terminated, the city may order the removal of the network facilities from the city within a period of time, as determined by the city.

(2) Restoration of property. In removing its plant, structures and equipment, the grantee shall refill, at its own expense, any excavation that has been made by it and shall leave all public ways and places in as good condition as prevailed prior to the grantee's removal of its equipment and appliances, without affecting the electrical or telephone cable wires, or attachments. The city shall inspect and approve the condition of the publicways and public places, and cables, wires, attachments and poles after removal. The liability indemnity and insurance as provided herein, and the performance bond provided herein, shall continue in full force and effect during the period of removal and until full compliance by the grantee with the terms and conditions of this section and this chapter.

(3) Restoration by the city; reimbursement of costs. In the event of a failure by the grantee to complete any work required by § 9-518(1) and/or § 9-518(2), or any other work required by the city ordinances within the time as may be established and to the satisfaction of the city, the city may cause such work to be done and the grantee shall then reimburse the city for the costs thereof within thirty (30) days after receipt of an itemized list of such costs; or the city may recover such costs through the performance bond provided by the grantee. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

(4) Extended operation. Upon either the expiration or revocation of a license, the city may (i) permit the grantee to continue to operate the network for an extended period of time not to exceed six (6) months from the date of such expiration or revocation; (ii) operate the network itself for such period; or (iii) engage a third party to operate the network for such period. Said person (hereinafter called the "interim operator") shall, as trustee for grantee's successor in interest, use its best efforts to continue to operate the cable television system under the terms and conditions of this chapter and the license and to provide services that may be provided at that time. During such interim period, the interim operator shall not sell any of the system assets nor shall the interim operator make any physical, material, administrative or operational changes that would tend to degrade the quality of service to the subscribers, or

tend to decrease income, or tend materially to increase expenses, without, in each case, express permission in writing of the city. The city shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

(5) City's rights not affected. The termination and forfeiture of any license shall in no way affect any of the rights of the city under the license or any provision of the law. (Ord. #83-1, Feb. 1983)

9-519. Hiring and employment practices. (1) Discrimination prohibited. In the carrying out of the construction, maintenance and operation of the BTN, the grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. (Ord. #83-1, Feb. 1983)

9-520. Prohibition of preferential practices: other business activities.

(1) Services to be equally available. The grantee shall not, as to rates, charges, service, rules, regulations, or in any other respect, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscription to the network or other legitimate uses thereof, nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled, provided, such schedules have been filed with the city as provided in § 9-512; nor shall it be deemed to prohibit the furnishing of service without charge or at a reduced charge to the locations specified in § 9-509(5).

(2) Fairness of accessibility. The entire network of the grantee shall be operated in a manner consistent with the principles of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies or other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use. Allocation of the use of said facilities shall be made according to the rules or decisions of the grantee and any regulatory agencies affecting the same.

(3) Subscribers' antennas. Grantee is expressly prohibited from requiring the removal or from offering to remove or to provide any inducements for removal of any potential or existing subscribers' antenna as a condition for provision of service by the grantee.

(4) Sale or service of TV receivers. During the period of the license, neither the grantee nor any of its affiliated subsidiary or parent organizations, officer, or directors or stockholders holding ten percent (10%) or more of the outstanding stock of the grantee shall, within the corporate limits of the city or within ten miles in any direction, directly or indirectly, engage in the retail sale, rental or repair of radio or television receivers, nor require, encourage or

recommend to any subscriber to purchase, rent, or lease radios or television sets at any specific business which rents, leases or sells radios or television sets, or to utilize the services of any special television or radio service business, for the repair or maintenance of the subscriber's receivers, either radio or television, wherever located. (Ord. #83-1, Feb. 1983)

9-521. Subscriber privacy. (1) Use of data from subscriber. A grantee shall not initiate or use any form, procedure or device for procuring information or data from subscribers' terminals by use of the BTN without prior authorization from each subscriber so affected.

(2) Subscriber lists. The grantee shall not, without prior authorization from each subscriber so affected, provide any list designating subscribers' names or addresses to the city or to any other party.

(3) Subscriber transmissions. Grantee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way service without first obtaining written permission of the subscriber. (Ord. #83-1, Feb. 1983)

9-522. Sanctions. (1) Lesser sanctions. Nothing shall prohibit the city in enforcing its rules and regulations to impose lesser sanctions or censures for violations of provisions of this chapter rather than revocation. (Ord. #83-1, Feb. 1983)

9-523. Rights reserved to the city. (1) Eminent domain. Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value; and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity the city's right of eminent domain.

(2) All legal rights and powers. There is hereby reserved to the city every right or power which is required to be herein reserved or provided by law, and the grantee, by its acceptance of the license, agrees to be bound thereby and to comply with any action or requirement, of the city in its exercise of such rights or powers, whether heretofore or hereafter enacted or established.

(3) No waiver. Neither the granting of any license nor provision hereof shall constitute a waiver or bar to the exercise of any governmental rights or powers of the city, subject to the rights of a grantee under its license and the license agreement.

(4) FCC jurisdiction. If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any license granted under this chapter, then to the extent such

jurisdiction preempts or precludes the exercise of like jurisdiction by the city, the jurisdiction of the city shall terminate.

(5) City's contract rights. The preemption or preclusion of the exercise by the city of any of its police powers shall not diminish, impair, alter, or affect any contractual benefit to the city or grantee nor any contractual obligation of the grantee under any license issued hereunder. Any and all rights, powers, privileges and authorizations arising under this chapter or any license agreement are each and all hereby declared by the city and any grantee accepting any license hereunder to be contractual in nature and to be for the benefit of city.

(6) Right to make rules and regulations. There is hereby reserved to the city the right to impose rules and regulations, reasonably required, in order to better carry out the purpose and intent of this chapter. Before any such rules and regulations are adopted, the city shall give notice to the grantee and afford the grantee an opportunity to be heard. (Ord. #83-1, Feb. 1983)

9-524. Continuing regulation and administration by the city.

(1) Continuing supervision by city board. The city board shall have continuing supervision over the operation of any license granted hereunder. Routine responsibilities in the administration of this chapter and any license agreement hereunder shall be performed by the mayor.

(2) Responsibilities of the mayor. The mayor shall have the following responsibilities and duties, together with such other responsibilities and duties that the city board may assign to him:

(a) Review and audit all reports and filings submitted to the city as required hereunder and such other correspondence as may be submitted to the city concerning the operation of the BTN and review the rules and regulations established by each grantee.

(b) Assure that all rate schedules and rules pertinent to the operation of the BTN are made available for inspection by the public at reasonable hours.

(c) Confer and coordinate with each grantee on the interconnection of the BTN with other similar networks.

(d) Advise the board on matters which might constitute grounds for revocation of the license.

(e) Submit a budget request to the city board to cover expenses incurred with respect to the performance of functions required by the city under this chapter. This request may include funds to be used for the development of the use of access channels, including production grants to users and the purchase and maintenance of equipment not required to be provided by a grantee, and funds to be used for expenses and such salaries as may be authorized from time to time by ordinance.

- (f) Conduct evaluations of the BTN at least every three years.
- (g) Make recommendations to the city board for amendments to this chapter. (Ord. #83-1, Feb. 1983)

9-525. Disputes. A grantee may be required to submit any matter in controversy or dispute with the city to arbitration in all cases where the judgment of a court of law could be sought. The city may exercise this right at any time before a grantee brings legal action, and in case of legal action, at any time before responsive pleadings are due from the city under applicable court rules. This right shall be exercised by serving written notice upon the grantee. Such arbitration shall be conducted in accordance with the rules of the American Arbitration Association. (Ord. #83-1, Feb. 1983)

9-526. Unlawful acts. (1) Unlawful interception of communications. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a grantee's BTN for the purpose of enabling such person or any other party to receive any signal, information or intelligence transmitted over the BTN without payment to the grantee of full amount properly due for such signal, information or intelligence.

(2) Unlawful tampering with equipment. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove, or injure any cable, wires or other equipment used for the distribution of signals, information or intelligence over a grantee's BTN.

(3) Penalties. it shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500), or by imprisonment for a term not to exceed six (6) months, or both, for any person to violate any of the provisions of this section. (Ord. #83-1, Feb. 1983)

9-527. Miscellaneous. (1) Compliance with applicable laws and regulations. Each grantee, at its expense, shall comply with all laws, orders and regulations of federal, state and municipal authorities and with any directive of any public officer pursuant to law who shall legally impose any regulation, order or duty upon the grantee with respect to the license.

(2) Diligence by grantee. Each grantee shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof, including necessary pole attachment agreements, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required, and any necessary authorizations or waivers from the FCC.

(3) Notification to city of certain FCC communications. Each grantee shall not apply for any waivers, exceptions or declaratory rulings from the FCC



or from any other federal or state regulatory agency without the written notification to the mayor.

(4) Transfer of city's rights, powers or duties. Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department or board of the city.

(5) City's right of intervention. A grantee shall, at the sole risk and expense of the grantee, upon demand of the city made by the corporation counsel, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities against or affecting the city, its officers, boards, commissions, agents, or employees, and which arise out of or pertain to the exercise or the enjoyment of the grantee's license or the granting thereof by the city; provided, that neither grantee nor the city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other.

(6) No waivers by city. A grantee shall not be excused from complying with any of the terms and conditions of this chapter or the license agreement by any failure of the city, upon any one or more occasions, to insist upon the grantee's performance or to seek grantee's compliance with any one or more of such terms or conditions.

(7) No recourse against city. Except in the case of gross negligence, grantee shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or the license agreement or the regulation thereof.

(8) New developments. The city board may amend this chapter or the license agreement whenever necessary to enable the grantee to take advantage of any developments in the field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently or economically serve its customers; provided, however, that this section shall not be construed to require the city to make any such amendment. (Ord. #83-1, Feb. 1983)

## CHAPTER 6

CABLE TELEVISION REGULATIONS

## SECTION

9-601. Federal regulations.

9-602. Franchising authority.

9-601. Federal regulations. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority of said Act certifying the (City/Town) to regulate basic cable television service within the boundaries of the (City/Town); and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the (City/Town), the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (Ord. #94-10-05, May 1994)

9-602. Franchising authority. Whenever the regulations cited in § 9-601 refer to "franchising authority", it shall be deemed to be a reference to the (Governing Body) of the (City/Town). (Ord. #94-10-05, May 1994)

## CHAPTER 7

CABLE TELEVISION

## SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television shall be furnished to the City of Charlotte and its inhabitants under franchise granted to Volunteer Cable by the board of mayor and aldermen of the City of Charlotte, Tennessee. The rights, powers, duties and obligations of the City of Charlotte and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see the franchise agreements, and any amendments, in the office of the city recorder.

## TITLE 10

ANIMAL CONTROL

## CHAPTER

1. IN GENERAL.
2. DOGS.

## CHAPTER 1

IN GENERAL

## SECTION

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

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

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1974 Code, § 3-101)

10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line. (1974 Code, § 3-102)

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

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1974 Code, § 3-103)

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1974 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1974 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1974 Code, § 3-106)

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

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1974 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, 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. (1974 Code, § 3-108)

10-109. Violation and penalty. The board of mayor and aldermen shall set by motion the penalty for violation of sections of this chapter up to a maximum of five hundred dollars (\$500) for each offense.

## CHAPTER 2

DOGS

## SECTION

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

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, sections 68-8-101 through 68-8-114) or other applicable law. (1974 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1974 Code, § 3-202)

10-203. Running at large prohibited.<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1974 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1974 Code, § 3-204)

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<sup>1</sup>State law reference

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

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, disturbs the peace and quiet of any neighborhood. (1974 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1974 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar. (1974 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by any policeman or other properly designated officer.<sup>1</sup> (1974 Code, § 3-207)

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<sup>1</sup>State law reference

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



## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

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

11-101. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1974 Code, § 10-229)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

11-102. Minors in beer places. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption. (1974 Code, § 10-222)

## CHAPTER 2

GAMBLING, FORTUNE TELLING, ETC.

## SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1974 Code, § 10-234)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault and battery upon another person. (1974 Code, § 10-201)

## CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1974 Code, § 10-202)

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

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

(a) Blowing horns. The sounding of any horn or other 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 person 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 city authorities.

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

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

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

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

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

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the board of mayor and aldermen. Hours for the use of an amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1974 Code, § 10-233)

## CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

## SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1974 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1974 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1974 Code, § 10-217)



## CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

## SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1974 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1974 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1974 Code, § 10-212, modified)

## CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH  
TRAFFIC

## SECTION

11-701. Trespassing.

11-702. Malicious mischief.

11-703. Interference with traffic.

11-701. Trespassing.<sup>1</sup> (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail

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<sup>1</sup>State law reference

Subsections (1) through (4) of this section were taken substantially from Tennessee Code Annotated, section 39-14-405.

to promptly leave the private premises of any person who requests or directs him to leave.<sup>1</sup> (1974 Code, § 10-226)

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1974 Code, § 10-225)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1974 Code, § 10-232)

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<sup>1</sup>Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

## CHAPTER 8

MISCELLANEOUS

## SECTION

11-801. Abandoned refrigerators, etc.

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

11-803. Posting notices, etc.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1974 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1974 Code, § 10-231)

11-803. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1974 Code, § 10-227)

## TITLE 12

BUILDING, UTILITY, ETC. CODES<sup>1</sup>

## CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. AMUSEMENT DEVICE CODE.
7. STANDARD EXCAVATION AND GRADING CODE.
8. EXISTING BUILDINGS CODE.
9. SWIMMING POOL CODE.
10. UNSAFE BUILDING ABATEMENT CODE.
11. MECHANICAL CODE.

## CHAPTER 1

BUILDING CODE<sup>2</sup>

## SECTION

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

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<sup>1</sup>An agreement executed May 24, 1991 between the City of Charlotte and Dickson County appoints the building inspector for Dickson County to enforce all Charlotte building codes.

<sup>2</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

Charter references

Corporate powers; title I, § 1.05.

City legislation: title II, § 2.10.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code<sup>1</sup>, 1991 edition, with 1992 and 1992-93 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. #91-10-2, May 1991, modified)

12-102. Modifications. (1) Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean the building inspector for Dickson County. (1974 Code, § 4-102, as amended by Ord. #91-10-2, May 1991)

12-103. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the building code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-103)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1974 Code, § 4-104)

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

## CHAPTER 2

PLUMBING CODE<sup>1</sup>

## SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1991 edition, with 1992 and 1992-93 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. #91-10-2, May 1991, modified)

12-202. Modifications. (1) Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city council of this city.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the building inspector for Dickson County.

(2) Permit fees. The schedule of permit fees as recommended in "Appendix H" of the plumbing code is hereby adopted. (1974 Code, § 4-202, as amended by Ord. #91-10-2, May 1991)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-203. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the plumbing code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-203)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1974 Code, § 4-204)



## CHAPTER 3

ELECTRICAL CODE<sup>1</sup>

## SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, sections 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1993 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1974 Code, § 4-301, modified)

12-302. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated, section 6-54-502, one (1) copy of the electrical code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1974 Code, § 4-303)

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<sup>1</sup>Municipal code reference

Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1974 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be the building inspector for Dickson County. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1974 Code, § 4-305, as amended by Ord. #91-10-2, May 1991)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, section 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (1974 Code, § 4-306)

## CHAPTER 4

GAS CODE<sup>1</sup>

## SECTION

12-401. Gas code adopted.

12-402. Definitions.

12-403. Enforcement of gas code.

12-404. Violations and penalties.

12-401. Gas code adopted. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>2</sup> 1991 edition, with 1992 and 1992-93 revisions, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city clerk for the use and inspection of the public. (Ord. #91-10-2, May 1991, modified)

12-402. Definitions. The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city council.<sup>3</sup>

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

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

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance

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<sup>1</sup>Municipal code reference

Water and sewers: title 18.

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

<sup>3</sup>Municipal code reference

Building official - - appointment, authority, duties: § 12-601.

installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1974 Code, § 4-402)

12-403. Enforcement of gas code. The building official of Dickson County is hereby designated as the gas inspector, and as such shall be responsible for enforcing the provisions of the gas code. The gas inspector shall be authorized and is hereby directed to make any and all necessary inspections of gas equipment, appliances and piping to insure compliance with the gas code and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to discontinue gas service to any person or place not complying with the gas code. (Ord. #91-10-2, May 1991, modified)

12-404. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1974 Code, § 4-411)

## CHAPTER 5

HOUSING CODE

## SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in city clerk's office.

12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1991 edition, with 1992 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (Ord. #91-10-2, May 1991, modified)

12-502. Modifications. (1) Definitions Wherever the housing code refers to the "Housing Official" it shall mean the building inspector for Dickson County. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city council.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1974 Code, § 4-502, as amended by Ord. #91-10-2, May 1991)

12-503. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the housing code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1974 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1974 Code, § 4-504)

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

## CHAPTER 6

AMUSEMENT DEVICE CODE<sup>1</sup>

## SECTION

12-601. Amusement device code adopted.

12-602. Modifications.

12-603. Available in city clerk's office.

12-604. Violations.

12-601. Amusement device code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, and for the purpose of regulating the installation, construction, alteration, repair, removal, operation and use of amusement rides and devices. The Standard Amusement Device Code<sup>2</sup>, 1985 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the amusement device code. (Ord. #91-10-2, May 1991, modified)

12-602. Modifications. Definitions. Whenever the amusement device code refers to the "Chief Administrator," it shall be deemed to be a reference to the city council. When the "Building Official" is named it shall, for the purposes of the amusement device code, mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991, modified)

12-603. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the amusement device code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the amusement device code as herein adopted by reference and modified.

## CHAPTER 7

STANDARD EXCAVATION AND GRADING CODE<sup>1</sup>

## SECTION

12-701. Excavation and grading code adopted.

12-702. Modifications.

12-703. Available in city clerk's office.

12-704. Violations.

12-701. Excavation and grading code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, and for the purpose of setting forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, the Standard Excavation and Grading Code<sup>2</sup>, 1975 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the excavation and grading code. (Ord. #91-10-2, May 1991, modified)

12-702. Modifications. Definitions. Whenever the excavation and grading code refers "Building Official" is named it shall, for the purposes of the excavation and grading code, mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991)

12-703. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the amusement device code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public.

12-704. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the amusement device code as herein adopted

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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



by reference and modified.

## CHAPTER 8

EXISTING BUILDINGS CODE<sup>1</sup>

## SECTION

12-801. Existing buildings code adopted.

12-802. Modifications.

12-803. Available in city clerk's office.

12-804. Violations.

12-801. Existing buildings code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, and for the purpose of securing the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and indoor air quality, and safety to life and property from fire and other hazards incident to the alteration, repair, removal, demolition, use and occupancy of existing buildings or structures, the Standard Existing Buildings Code<sup>2</sup> 1988 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the existing buildings code. (Ord. #91-10-2, May 1991, modified)

12-802. Modifications. Definitions. Whenever the existing building code refers to the "Building Official" it shall, for the purposes of the building code, mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991)

12-803. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502, one (1) copy of the existing building code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-804. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the existing buildings code as herein adopted by reference and modified.

## CHAPTER 9

SWIMMING POOL CODE<sup>1</sup>

## SECTION

12-901. Swimming pool code adopted.

12-902. Modifications.

12-903. Available in city clerk's office.

12-904. Violations.

12-901. Swimming pool code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516, and for the purpose of setting standards for the design, construction, or installation, alteration, repair or alterations of swimming pools, public or private and equipment related thereto. The Standard Swimming Pool Code<sup>2</sup>, 1991 edition, with 1993 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. (Ord. #91-10-2, May 1991, modified)

12-902. Modifications. Definitions. Whenever the swimming pool code refers to the "Administrative Authority," it shall be deemed to be a reference to the Building Official or his authorized representative. When the "Building Official" is named it shall, for the purposes of the swimming pool code, mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991)

12-903. Available in city clerk's office. Pursuant to the requirements of the Tennessee Code Annotated § 6-54-502 one (1) copy of the amusement device code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-904. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the amusement device code as herein adopted by reference and modified.

## CHAPTER 10

UNSAFE BUILDING ABATEMENT CODE

## SECTION

12-1001. Unsafe building abatement code adopted.

12-1002. Modifications.

12-1003. Available in city clerk's office.

12-1004. Violations.

12-1001. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-506 and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the city, the Standard Unsafe Building Abatement Code<sup>1</sup>, 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. #91-10-2, May 1991, modified)

12-1002. Modifications. Definitions. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the city council. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991)

12-1003. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the city clerks's office and shall be kept there for the use and inspection of the public.

12-1004. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified.

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

## CHAPTER 11

MECHANICAL CODE<sup>1</sup>

## SECTION

- 12-1101. Mechanical code adopted.
- 12-1102. Modifications.
- 12-1103. Available in city clerk's office.
- 12-1104. Violations.

12-1101. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-516 and for the purpose of regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems, the Standard Mechanical Code<sup>2</sup>, 1991 edition, with 1992 and 1992-93 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #91-10-2, May 1991, modified)

12-1102. Modifications. (1) Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the building inspector for Dickson County. (Ord. #91-10-2, May 1991)

12-1103. Available in city clerk's office. Pursuant to the requirements of Tennessee Code Annotated § 6-54-502 one (1) copy of the mechanical code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public.

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

12-1104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified.



## TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

## CHAPTER

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

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds, grass and rubbish.
- 13-104. Dead animals.
- 13-105. Health and sanitation nuisances.
- 13-106. Violations and penalty.
- 13-107. House trailers.
- 13-108. Removal of fire hazards.

13-101. 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. (1974 Code, § 8-105)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1974 Code, § 8-106)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-107.

Toilet facilities in beer places: section 8-212(11).

Wastewater treatment: title 18, chapter 2.

13-103. Weeds, grass and rubbish. (1) It shall be unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether property is a vacant lot or contains any form of structure, in the City of Charlotte, to permit the growth upon such property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve (12) inches when such growth is within two hundred (200) feet of occupied residential or commercial property, or is within two hundred (200) feet of any street, thoroughfare, or highway, within the city limits of Charlotte. The failure to cut and/or destroy such weeds, grass, brush and all other rank or noxious vegetation shall constitute a violation of this section. It shall also be unlawful for any such person or persons to permit poison ivy or other plants due to pollination, injurious or a menace to health, to grow where they may cause injury or discomfort to any person within the City of Charlotte, regardless of height, for such are hereby declared public nuisance. The failure to destroy such poison ivy or other plants due to pollination shall constitute a violation of this section.

(2) It shall also be unlawful for any person owning, leasing, occupying, or having control of property, regardless of whether property is a vacant lot or contains any form of structure, in the City of Charlotte to permit the accumulation upon such property of rubbish in any form or nature for such is hereby declared to be a public nuisance. The failure to clean up and remove such rubbish shall constitute a violation of this section. The failure to cut and remove dead trees and dead or broken tree limbs shall constitute a violation of this section inasmuch as same constitutes a nuisance and a menace to life and property of the citizens of this section.

(3) If the provisions of this section are not complied with the city clerk shall give notice in writing to the owner, owner's agent, or occupant or such lot or parcel of land of said condition and requiring the cutting, removal, and/or destruction of the date of said notice. A copy of said written notice will also be placed on the bulletin board inside the lobby of the city hall. If the owner of said property shall fail to so cut, remove and/or destroy said weeds, grass, brush, vegetation, and rubbish, the city clerk shall notify the designated officer of said city to cut, remove and/or destroy or have same cut, removed and/or destroyed, and the whole cost thereof, shall be paid by the owner or owners of said lot or parcel of land, and said costs shall be billed to the owner or owners of the property. If the bill is not fully paid within 120 days after the mailing of said bill, a 10% penalty shall be added, and it shall be placed on the tax roll of the City of Charlotte as a lien upon the property and collected in the same manner as other city taxes are collected.

(4) Any person, firm, or corporation, who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof and

in addition to the aforesaid shall be punished by a fine not less than \$10.00 and not more than \$500.00.

(5) Should any part of this section be held invalid by a court of competent jurisdiction and the remaining parts shall be severable and shall continue to be in full force and effect.

(6) All ordinances or parts of ordinances conflicting with the provisions of this section are hereby repealed insofar as the same affects this section. (Ord. #15, Nov. 1979)

13-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city clerk and dispose of such animal in such manner as the city clerk shall direct. (1974 Code, § 8-108)

13-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1974 Code, § 8-109)

13-106. Violations and penalty. Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances except that violations of section 13-103 shall be handled in accordance with the provisions of that section.

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1974 Code, § 8-104)

13-108. Removal of fire hazards. Any structure, matter or otherwise creating a fire hazard as determined by the mayor and board of councilmen as such shall be removed by the owner upon ten (10) days written notice. After such notice, which may be served by publishing through posters at three public locations within the city in lieu of other notice, the city shall proceed to remove said fire hazard, billing all costs to the owner. (Ord. #5, Feb. 1962)

## CHAPTER 2

JUNKYARDS

## SECTION

## 13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1974 Code, § 8-111)

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<sup>1</sup>State law reference

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

## CHAPTER 3

SLUM CLEARANCE<sup>1</sup>

## SECTION

- 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 orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

13-302. Definitions. (1) "Municipality" shall mean the City of Charlotte, 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.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

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

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

13-303. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of Dickson County, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector.

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 occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

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 occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (a) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the

order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (b) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.

13-306. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

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.

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Dickson County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee 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. 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 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 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 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 Dickson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Charlotte to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Charlotte; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

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 person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Dickson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

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

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages



for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

13-312. 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.

13-313. Powers conferred are supplemental. 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.

13-314. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## TITLE 14

ZONING AND LAND USE CONTROL<sup>1</sup>

## CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

## CHAPTER 1

MUNICIPAL PLANNING COMMISSION

## SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the city council selected by the city council; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1974 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1974 Code, § 11-102)

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<sup>1</sup>For subdivision regulations, see Ord. #90-7-1, Feb. 1990, of record in the office of the city clerk.

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1974 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

(RESERVED FOR FUTURE USE)

## TITLE 15

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

## CHAPTER

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

## CHAPTER 1

MISCELLANEOUS<sup>2</sup>

## SECTION

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

- 15-110. Unauthorized traffic control signs, etc.
- 15-111. Presumption with respect to traffic control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-122. Damaging pavements.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1974 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1974 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1974 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1974 Code, § 9-109)

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

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1974 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1974 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1974 Code, § 9-112)

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

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1974 Code, § 9-113)

15-109. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision

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<sup>1</sup>Municipal code reference

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

of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1974 Code, § 9-114)

15-110. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (1974 Code, § 9-115)

15-111. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1974 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1974 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1974 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1974 Code, § 9-120)

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



15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1974 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1974 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1974 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1974 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1974 Code, § 9-125)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1974 Code, § 9-126)

15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc).

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

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

(3) No person operating or riding a bicycle, motorcycle, motor driven cycle or motorized bicycle 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.

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

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

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

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle 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.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) 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, motor driven cycle or motorized bicycle in violation of this section. (1974 Code, § 9-127)

15-122. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1974 Code, § 9-119)

## CHAPTER 2

EMERGENCY VEHICLES

## SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1974 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.<sup>1</sup> (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the

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<sup>1</sup>Municipal code reference

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

consequences of his reckless disregard for the safety of others. (1974 Code, § 9-103)

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. (1974 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1974 Code, § 9-105)

## CHAPTER 3

SPEED LIMITS

## SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1974 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1974 Code, § 9-202)

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

In school zones where the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1974 Code, § 9-203, modified)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1974 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1974 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1974 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1974 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1974 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, sec. 55-8-143.

## CHAPTER 5

STOPPING AND YIELDING

## SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic control signals generally.
- 15-508. At flashing traffic control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.<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. (1974 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1974 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1974 Code, § 9-403)

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<sup>1</sup>Municipal code reference

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



15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1974 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1974 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1974 Code, § 9-406)

15-507. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
  - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
  - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

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

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

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1974 Code, § 9-407)

15-508. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code. (1974 Code, § 9-408)

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

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

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1974 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1974 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, section 55-8-143.

## CHAPTER 6

PARKING

## SECTION

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

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1974 Code, § 9-501)

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

angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1974 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1974 Code, § 9-503)

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

- (1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21. (1974 Code, § 9-504, modified)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or

unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1974 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the city council, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1974 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1974 Code, § 9-507)

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

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1974 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1974 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1974 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1974 Code, § 9-511)

15-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1974 Code, § 9-512)

## CHAPTER 7

ENFORCEMENT

## SECTION

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

15-701. Issuance of traffic citations.<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1974 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1974 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 1.

State law reference

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



to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1974 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. 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 of impoundment and storage, or until it is otherwise lawfully disposed of. (1974 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109. (1974 Code, § 9-605)

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

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

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

(c) Handicapped parking. Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars (\$100.00).

## TITLE 16

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

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.

## CHAPTER 1

MISCELLANEOUS

## SECTION

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

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1974 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1974 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1974 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1974 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1974 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1974 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1974 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1974 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1974 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or other similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city clerk. No permit shall be issued by the city clerk unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1974 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1974 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as 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. (1974 Code, § 12-112)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1974 Code, § 12-113)

## CHAPTER 2

EXCAVATIONS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city clerk is open for business, and the permit shall be retroactive to the date when the work was begun. (1974 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the city clerk, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation,

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<sup>1</sup>State law reference

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

association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city clerk within twenty-four (24) hours of its filing. (1974 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1974 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city clerk a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city clerk may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the city clerk shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1974 Code, § 12-204)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1974 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to

its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city clerk shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1974 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1974 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city clerk. (1974 Code, § 12-208)

16-209. Supervision. The person designated by the city council shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at



least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1974 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city clerk. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1974 Code, § 12-210)

## TITLE 17

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

## CHAPTER

## 1. REFUSE STORAGE AND COLLECTION.

## CHAPTER 1

REFUSE STORAGE AND COLLECTION

## SECTION

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

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1974 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the city 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. (1974 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1974 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1974 Code, § 8-204)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1974 Code, § 8-205)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city council shall designate. Collections shall be made regularly in accordance with an announced schedule. (1974 Code, § 8-206)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1974 Code, § 8-207)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (1974 Code, § 8-208)

## TITLE 18

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

#### CHAPTER

1. SEWER SYSTEM ADMINISTRATION.
2. WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

#### CHAPTER 1

### SEWER SYSTEM ADMINISTRATION

#### SECTION

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Application and contract for service.
- 18-104. Service charges for temporary service.
- 18-105. Connection charges.
- 18-106. Sewer main extensions.
- 18-107. Sewer main extension variances.
- 18-108. Customer billing and payment policy.
- 18-109. Termination or refusal of service.
- 18-110. Termination of service by customer.
- 18-111. Access to customers' premises.
- 18-112. Inspections.
- 18-113. Customer's responsibility for system's property.
- 18-114. Customer's responsibility for violations.
- 18-115. Liability for cutoff failures.
- 18-116. Interruption of service.
- 18-117. Schedule of rates.
- 18-118. Adjustment for owners and operators of swimming pools.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

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

(2) "Service line" shall consist of the pipe line extending from sewer main of the city to private property.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

18-103. Application and contract for service. Each prospective customer desiring sewer service will be required to sign a standard form contract and pay a service deposit of \$25.00 before service is supplied. The service deposit shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant.

18-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for sewer service.

18-105. Connection charges. Service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new sewer service line will be laid by the city, the applicant shall pay a nonrefundable connection charge of \$27.00.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to the property line, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the property line shall belong to and be the responsibility of the customer.

18-106. Sewer main extensions.<sup>1</sup> Persons desiring sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal sewer systems and shall furnish sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-107. Sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

18-108. Customer billing and payment policy. Sewer bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the sewer department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If the water meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city

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<sup>1</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.

reserves the right to render an estimated bill based on the best information available.

18-109. Termination or refusal of service. (1) Basis of termination or refusal. The city shall have the right to discontinue sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

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

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of sewer service according to the following terms and conditions:

- (a) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and

- (i) The amount due, including other charges.
  - (ii) The last date to avoid service termination.

- (iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

- (b) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

- (c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

- (d) Termination will not be made on any preceding day when the sewer department is scheduled to be closed.

- (e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not

otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the sewer department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the sewer department, plus the payment of a reconnection charge of \$10.00 if the reconnection is made during regular business hours, or \$10.00 if the reconnection is made after regular business hours.

18-110. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

18-111. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.



18-112. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

18-113. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

18-114. Customer's responsibility for violations. Where the city furnishes sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

18-115. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for service that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off sewer service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service but subsequently the cutoff develops a leak.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his sewer service has been cut off.

18-116. Interruption of service. The city will endeavor to furnish continuous sewer service, but does not guarantee to the customer any fixed

vacuum or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal sewer systems, The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

18-117. Schedule of rates. All sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup>

18-118. Adjustment for owners and operators of swimming pools. The sewer board for the City of Charlotte is authorized to give a 75% adjustment one time per year to residents of the City of Charlotte who are located in the service area of the City of Charlotte water system and who own and operate swimming pools which require an increase in water usage once a year, and who use more than 7,500 gallons of water to fill these pools. (Ord. #94-12-15, July 1994)

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<sup>1</sup>Administrative ordinances and regulations are of record in the office of the city recorder.

## CHAPTER 2

WASTEWATER REGULATIONS

## SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulation of holding tank waste disposal.
- 18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-207. Discharge regulations.
- 18-208. Exceptions to discharge criteria.
- 18-209. Accidental discharges.
- 18-210. Industrial user monitoring, inspection reports, records access, and safety.
- 18-211. Enforcement and abatement.
- 18-212. Submission of time schedule.
- 18-213. Pretreatment enforcement hearings and appeals.
- 18-214. Legal action.
- 18-215. Pretreatment enforcement- emergencies.
- 18-216. Public nuisance.
- 18-217. Pretreatment enforcement, violations, civil penalty.
- 18-218. Special fund for damages.
- 18-219. Annual publication of significant violators.
- 18-220. Falsifying information.
- 18-221. Fees and billing.
- 18-222. Annual notification.
- 18-223. Biennial review of operation and maintenance charges.
- 18-224. Validity.

18-201. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Charlotte, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant

Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;

(4) To provide for full and equitable distribution of the cost of the wastewater treatment system;

(5) To enable the city to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403.1 et seq), and other applicable federal, state laws and regulations;

(6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Charlotte must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the sewer board of the city shall administer, implement, and enforce the provisions of this chapter.

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act or the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

(2) "Approval authority." The Commissioner of the Tennessee Department of Environment and Conservation and the Administrator of the EPA.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(5) "Building drain." Shall be defined as that lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(6) "Building sewer." A sewer conveying wastewater from the premises of a User to the POTW.

(7) "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.

(8) "Chemical Oxygen Demand (COD)." The quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in milligrams per liter by weight.

(9) "City." The City of Charlotte or the Board of Mayor and Aldermen, City of Charlotte, Tennessee.

(10) "Combined sewer." A sewer receiving both surface runoff and sewage.

(11) "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(12) "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(13) "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the board of mayor and aldermen if the city has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

(14) "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(15) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(16) "Dissolved solids." All solids found in water, sewage or other liquids and which are not removable by laboratory filtering.

(17) "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or

commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

(18) "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(19) "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

(20) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(21) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(22) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(23) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(24) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(25) "Infiltration." Groundwater entering the sewer system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole wall. Infiltration does not include, is distinguished from, inflow.

(26) "Inflow." The surface water discharged into a sewer system through such means as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges drains from springs and swampy areas, manhole covers, cross-connections from storm drains and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

(27) "Infiltration/inflow." The total quantity of water from both infiltration and inflow without distinguishing the source.

(28) "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV

of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(29) "Letter of intent." A written statement from an industrial user to the city of the users's intent of utilize a specified portion of the publicly owned waste treatment facility for a given length of time.

(30) "Monitoring." The measurement, continuous or intermittent, of water quality.

(31) "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(32) "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(33) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard if thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(34) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(35) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(36) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(37) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

(38) "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological

processes, or process changes or other means, except as prohibited by 40 CFR Section 40.36(d).

(39) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

(40) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW.

(41) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(42) "Primary treatment." Preliminary treatment of wastewater resulting in removal of coarse solids, suspended and floating solids.

(43) "Process water." Water that comes in contact with a product or with material incorporated in an end product.

(44) "Properly shredded garbage." The wastes from the preparation, cooking and dispensing of food that has 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 (1.27 centimeters) in any dimension.

(45) "Sanitary sewer." A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

(46) "Sanitary wastewater." Defined the same as Wastewater.

(47) "Secondary wastewater treatment." The treatment of wastewater to meet secondary effluent limitations as defined in 40 CFR 133, Secondary Treatment Information.

(48) "Sewage treatment plant." Defined same as POTW Treatment Plant.

(49) "Sewerage facilities." Defined same as POTW.

(50) "Sewer." A pipe or conduit for carrying sewage.

(51) "Shall or will" is mandatory; "May" is permissive.

(52) "Significant industrial user." Means (1) any discharger subject to National Categorical Pretreatment Standards; or (2) any non-categorical dischargers that (a) have a reasonable potential in the opinion of the control authority or the approval authority to adversely affect the POTW's operation, (b) contribute a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment



plant, or (c) discharges 25,000 gallons or more of process wastewater or biochemical oxygen demand (BOD) greater than 200 mg/l.

(53) "Slug." Shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation; and discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way; or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(54) "State." State of Tennessee.

(55) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(56) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(57) "Storm sewer or storm drain." Shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters upon approval of the superintendent.

(58) "Superintendent." The Superintendent of the Sewage Works and/or Sewer Plant of the City of McMinnville, his authorized deputy agent, or representative.

(59) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

(60) "Total solids." All the matter which remains as a residue after water, sewage and/or other liquids are subjected to evaporation at 105 degrees C.

(61) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307 (a)) or other Acts.

(62) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(63) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(64) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(65) "Wastewater treatment systems." Defined the same as POTW.

(66) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterway, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(67) "Watercourse." A channel in which a flow of water occurs, either continuously or intermittently.

18-203. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the city, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

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

(d) Except as provided in section 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the property line over public access.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions of section 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of section 18-204 of this chapter.

(2) Physical connection public sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any

public sewer or appurtenance thereof. The city shall make all connections to the public sewer upon the property owner first obtaining a written permit from the City of Charlotte as required by section 18-206 of this chapter.

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the sewer operator. A connection fee shall be paid to the city at the time the application is filed.

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

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the chief operator to meet all requirements of this chapter. All others may be sealed to the specifications of the building code.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be as follows:

Conventional sewer system - Four inches (4").

Small diameter gravity sewer - Two inches (2").

Septic Tank Effluent Pump - One and one quarter inches (1-1/4").

Where the septic tanks becomes an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4") and the minimum size of septic tank shall be 1,000 gallons. Septic tanks shall be constructed of polyethylene and protected from flotation. The city shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

(ii) The minimum depth of a building sewer shall be eighteen inches (18").

(iii) Building sewers shall be laid on the following grades:  
Four inch (4") sewers - 1/8 inch per foot.

Two inch (2") sewers - 3/8 inch per foot.

Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(iv) Slope and alignment of all building sewers shall be neat and regular.

(v) Building sewers shall be constructed only of ductile iron pipe class 50 or above or polyvinyl chloride pipe SDR-35 for gravity sewers and SDR-21 for pressure sewers. Joints shall be rubber or neoprene "o" ring compression joints. No other joints shall be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

(vii) Connections of building sewers to the public sewer system shall be made only by the city and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by the operator (chief). All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pump and discharged to the building sewer at the expense of the owner.

(ix) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the chief operator before installation.

(x) An installed building sewer shall be gastight and watertight.

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

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the chief operator or his authorized representative.

(b) The applicant for discharge shall notify the City of Charlotte when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the chief operator or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the chief operator to meet specifications of the city.

(5) Grease, oil, and sand interceptors. 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. 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 inspector, and shall be located as to be readily and easily accessible for cleaning and inspection.

Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, garages and some manufacturing plants shall install a grease

trap on kitchen waste lines and other discharge lines carrying grease and oil. All existing restaurants, cafeterias, hotel, motels, hospitals, garages and manufacturing plants and other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense upon notification by the superintendent, if and when the superintendent determines that a grease/oil problem exists which is capable of causing damage or operational problems to structures or equipment in the public sewer system. The city retains the right to inspect and approve installation of the grease trap facility. The grease trap must be designed in accordance with current engineering standards; it shall be tightly sealed and easily accessible to encourage regular maintenance. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the city.

18-204. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of section 18-203(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in section 18-203, the owner shall provide a private sewage pumping station as provided in section 18-203(2)(e)(viii).

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the city to do so.

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the City of Charlotte stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the county health department.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the city and the county health department. The owner shall supply any

plans, specifications, and other information as are deemed necessary by the city and the county health department.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the city and the county health department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the city and the county health department when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the city and the county health department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee, the city and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When the public sewer becomes available, the building sewer, or the septic tank effluent line shall be connected to the public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the city's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the city and the county health department.

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the city to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the City of Charlotte when the conditions of this chapter have been met and providing the chief operator is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(2) Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the city to be set as specified in section 18-211. Any

such permit granted shall be for one fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The sewer board shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The chief operator may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the City of Charlotte. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Charlotte.

18-206. Application for domestic wastewater discharge and industrial wastewater discharge permits. (1) Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the City of Charlotte for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the city sewer shall not be made until the application is received and approved by the chief operator, the building sewer is installed in accordance with section 18-201 of this chapter and an inspection has been performed by the chief operator or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial



users connected to or contributing to the POTW shall acquire a permit within 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the City of Charlotte, an application on a prescribed form accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address, and SIC number of applicant; wastewater volume; wastewater constituents and characteristic, including but not limited to those mentioned in sections 18-207 (1) and (2) discharge variations -- daily, monthly, seasonal and 30 minute peaks; a description of all chemicals handled on the premises, each product produced by type, amount, process or processes and rate of production, type and amount of raw materials, number and type of employees, hours of operation, site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the chief operator.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the sewer board for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such

additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by section 18-207 of this chapter.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The sewer board will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the City of Charlotte that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the sewer board, the sewer board shall deny the application and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules as required in 40 CFR 403.12;

(vii) Requirements for submission of technical reports of discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(x) Notification requirements for slug discharges, including any discharge that would violate a prohibition under section 18-207.

(xi) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(xii) Statement of duration (in no case more than five years).

(xiii) Statement of non-transferability without, at a minimum, prior notification to the POTW.

(xiv) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the new standards within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by sections 18-206(2)(b)(ii) and (iii). The terms and conditions of the permit may be subject to modification by the City of Charlotte during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of the chapter is subject to be modified suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspection shall be available to the public or any governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City of Charlotte that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the users.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City of Charlotte as confidential under 40 CFR, Part 403.14 shall not be transmitted to any governmental agency or to the general public by the City of Charlotte until and unless prior and adequate notification is given to the user.

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic

pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life, are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substances which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system which exceeds 65°C (150° F) or causes the influent at the wastewater plant to exceed 40°C (104° F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

(l) Any waters containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the sewer board/chief operator in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty (150°) F (0 and 65° C).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City of Charlotte and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the sewer board/chief operator and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

(p) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement.

(q) Any trucked or hauled pollutants, except at discharge points designated by the POTW in accordance with section 18-205(3).

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	BDL	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

(3) Protection of treatment plant influent. The sewer board/chief operator shall monitor the treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the sewer board/chief operator shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pre-treatment levels for these parameters. The sewer board/chief operator shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

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\*Based on 24-hour flow proportional composite samples.



BDL = Below Detectable Limits

**Table B-Plant Protection Criteria**

Parameter	Maximum Concentration (mg/l) (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) Grab Sample
Aluminum		
dissolved (AL)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Mn)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	0.001	0.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0
Zinc (Zn)	.03	0.6
Total Kjeldahl		
Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	220	350
COD	440	700
Suspended Solids	220	350

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The sewer board shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the City of Charlotte from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Environment and Conservation and/or the United States Environmental Protection Agency.

(6) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

18-208. Exceptions to discharge criteria. (1) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in section 18-207 of this chapter. Exceptions can be granted according to the following guidelines.

The sewer board shall allow applications for temporary exceptions at any time. However, the sewer board shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by

the sewer board in his review of the application. Any appeals shall be presented to the city. The decision by the city shall be considered final.

(2) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the chief operator upon reasonable notice.

The user requesting the exception must demonstrate to the sewer board that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if accepted, will not:

- (a) interfere with the normal collection and operation of the wastewater treatment system;
- (b) limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or
- (c) pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(3) Review of application by sewer board. All applications for an exception shall be reviewed by the sewer board. If the application does not contain sufficient information for complete evaluation, the sewer board shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the operator to correct such deficiencies and thirty (30) more days if approval is requested from the state. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the chief operator shall evaluate same within thirty (30) days and shall submit his recommendations to the city at the next regularly scheduled meeting of the board of mayor and aldermen.

(4) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

(a) whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections 18-207, 18-208 and 18-209 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(b) whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(c) whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works influent and the design capability of the treatment works;

(d) the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(e) the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(f) the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(g) the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

18-209. Accidental discharges. (1) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. Detailed plans showing the facilities and operating procedures shall be submitted to the city engineer/chief operator before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(2) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the mayor and chief operator (or designated official) in person, by the telephone to enable countermeasures to be taken by the chief operator to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification shall not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. In lieu of placing notices on bulletin boards, the users may submit an approved SPIC. Each user shall annually certify to the mayor/sewer board compliance with this paragraph.

(4) Slug control plan. At least once every two years, the POTW shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The results of such activities shall be available to the approval authority upon request. If the POTW decides that an accident or slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 18-207, with procedures for follow-up written notification within five days;

(d) Any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, and worker training;

(e) Any necessary measures for building containment structures or equipment;

(f) Any additional measures necessary for containing toxic organic pollutants (including solvents);

- (g) Any necessary procedures and equipment for emergency response;
- (h) Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment.

18-210. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users. A monitoring facility shall be a manhole or other suitable facility approved by the chief operator.

When in the judgment of the chief operator, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the mayor or sewer board may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the chief operator, it shall be provided and installed at the user's expense. All sampling and metering equipment shall be approved by the chief operator before installation.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The sewer board may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be

permitted to enter, without delay, for the purposes of performing their specific responsibility.

(3) Compliance date report. Within 180 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the sewer board a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional, in accordance with 40 CFR 403.12(b).

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City of Charlotte during the months of June and December, unless required more frequently in the pretreatment standard or by the chief operator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements.

In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the chief operator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the chief operator may agree to alter the months during which the above reports are to be submitted.

(b) The chief operator may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the chief operator of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment



standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Sampling shall be performed in accordance with techniques approved by the approval authority. Analysis of these samples shall be conducted by an independent laboratory approved by the approval authority.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Charlotte chief operator, Director of the Division of Water Pollution Control, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the City of Charlotte, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the chief operator or duly authorized employees of the city 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 city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

18-211. Enforcement and abatement. (1) Complaints and orders. Whenever the sewer board or operator has reason to believe that a violation of any provision of the city's pretreatment program or orders of the city's governing body issued pursuant thereto has occurred, is occurring, or is about to occur, the sewer board may cause a written complaint to be served upon the alleged violator or violators. The complaint shall specify the provision or provisions of

the pretreatment program or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order, and shall inform the violators of the opportunity for a hearing before the city's governing body. One or more of the following orders may be issued for a given violation.

(2) Cease and desist order. When the sewer board or chief operator finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this section, or the provisions of a wastewater discharge permit, the sewer board or chief operator may issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits, requirements, or provisions to:

(a) Immediately halt illegal or unauthorized discharges;

(b) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

(3) Compliance order. The sewer board may issue an order to the non-compliant industrial user to achieve or restore compliance with their permit by a date specified in the order. The compliance order may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but not limited to, the installation and proper operation of pretreatment technology, additional self-monitoring, and management practices.

(4) Consent order. The operator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

(5) Show cause order. (a) The chief operator may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the sewer board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City of Charlotte regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the sewer board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days before the hearing.

(b) The sewer board may conduct the hearing and take the evidence, or may:

(i) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings; and

(ii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

(c) At any hearing held pursuant to this section, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a charge set by the sewer board to cover the costs of preparation.

(d) After the sewer board and city attorney has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) Failure of the Charlotte Sewer Board to issue any order to the violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(6) Any order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the city as provided in section 18-213 no later than thirty (30) days after the date such order is served; provided, however, that the city's governing body may review such final order on the same grounds upon which a court of the state may review default judgements.

18-212. Submission of time schedule. When the chief operator finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the revisions of a wastewater discharge permit, the sewer board shall require the user to submit for approval, with such modifications as deemed necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the City of Charlotte within 30 days of the issuance of any order and shall comply with section 18-211.

18-213. Pretreatment enforcement hearings and appeals. The City of Charlotte Board of Mayor and Aldermen shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by the sewer board, or permit revocations or modifications by him; and affirm, modify, or revoke such actions or orders of the sewer board. Any hearing or rehearing brought before the city shall be conducted in accordance with the following:

(1) Upon receipt of a written petition from the alleged violator pursuant to this section, the Charlotte City Council shall give the petitioner thirty (30) days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than sixty (60) days from the receipt of the written petition, unless the mayor and the petitioner agree to a postponement;

(2) The hearing herein provided may be conducted by the city at a regular or special meeting. A quorum of the board of mayor and aldermen must be present at the regular or special meeting in order to conduct the hearing herein provided;

(3) A verbatim record of the proceedings of such hearings shall be taken and filed with the city, together with the findings of fact and conclusions of law made pursuant to subdivision (6) of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the City of Charlotte to cover the costs of preparation;

(4) In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Dickson County shall have jurisdiction upon the application of the city to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof;

(5) Any member of the City of Charlotte Board of Mayor and Aldermen may administer oaths and examine witnesses;

(6) On the basis of the evidence produced at the hearing, the city shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the person or persons designated by the chairman;

(7) The decision of the city shall become final and binding on all parties unless appealed to the courts as provided in subsection (9) of this section; and

(8) Any person to whom an emergency order is directed pursuant to section 18-211 shall comply therewith immediately but on petition to the city shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than ten (10) days from the receipt of such petition by the city.

(9) An appeal may be taken from any final order or other final determination of the city by any party, including the City of Charlotte, who is or may be adversely affected thereby, to the chancery court pursuant to the common law writ of certiorari set out in Tennessee Code Annotated, § 27-8-101 within sixty (60) days from the date such order or determination is made.

18-214. Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements (Tennessee Code Annotated, §§ 69-3-128 and 69-3-129) or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Dickson County.

18-215. Pretreatment enforcement - emergencies. In the event of an actual or threatened discharge to the POTW of any pollutant which, in the opinion of the chief operator presents or may present an imminent and substantial endangerment to the health or welfare of persons, the health of animals, fish or aquatic life, a public water supply, or cause interference with the POTW, the chief operator may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the chief operator deems necessary to meet the emergency. If the violator fails to respond or is unable to respond to the chief operator's order, the chief operator may take such emergency action as he deems necessary, or contract with a qualified person or persons to carry out the emergency measures. The sewer board may assess the violator(s) responsible for the emergency condition for actual costs incurred by the City of Charlotte in meeting the emergency.

18-216. Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the City of Charlotte as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the mayor/city council. Any person creating a public nuisance shall be subject to the provisions of the city codes or chapters governing such nuisance.

18-217. Pretreatment enforcement, violations, civil penalty. (1) Any person who does any of the following acts or omissions shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

- (a) Violates an effluent standard or limitation imposed by a pretreatment program;
- (b) Violates the terms or conditions of a permit issued pursuant to a pretreatment program;
- (c) Fails to complete a filing requirement of a pretreatment program;
- (d) Fails to allow or perform an entry, inspection, monitoring or reporting requirement of a pretreatment program;
- (e) Fails to pay user or cost recovery charges imposed by a pretreatment program; or
- (f) Violates a final determination or order of the city.
- (g) Causes damage to the City of Charlotte as a result of pollution or violation of, failure, or neglect to comply with any permits or orders issued pursuant to the provisions of the pretreatment program or Tennessee Code Annotated, §§ 69-3-101 et seq. (Water Quality Control Act of 1977).

(2) The City of Charlotte may issue an assessment against any person or industrial user responsible for the violation. Any person or industrial user against whom an assessment has been issued may appeal such assessment by filing a written petition with the sewer board setting forth the reasons for his objections and asking for a hearing before the City of Charlotte Board of Mayor and Aldermen. If no petition is filed within thirty (30) days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.

(3) Damages may include expenses incurred in investigating and enforcing the pretreatment program, in removing, correcting, and terminating any pollution, and compensation for any actual damages caused by the pollution or violation. In determining the penalty, the City of Charlotte may consider the following:

- (a) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (b) Damages to the City of Charlotte, including compensation for damage or destruction of the facilities of the POTW, any penalties, costs and attorney's fees incurred by the City of Charlotte as a result of the illegal activity, and the expenses involved in enforcing this chapter and the costs involved in remedying any damages;
- (c) Cause of the discharge or violation;

- (d) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters;
  - (e) Effectiveness of corrective action taken by the violator;
  - (f) The technical and economic reasonableness of reducing or eliminating the discharge; and
  - (g) The economic benefit gained by the violator.
- (4) The city's governing body may establish a schedule of the amount of civil penalty which can be assessed by the City of Charlotte for certain violations or categories of violations.
- (5) When an assessment becomes final because of a person's failure to appeal, the mayor may apply to the appropriate court for a judgement and seek execution of such judgement and the court shall treat a failure to appeal the assessment as a confession of judgement in the amount of the assessment. The mayor may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred in the name of the City of Charlotte.

18-218. Special fund for damages. All damages and/or penalties collected under the provisions of this chapter or pretreatment enforcement pursuant to the Water Quality Control Act of 1977, shall be placed in a special fund by the City of Charlotte and allocated and appropriated for the administration of its pretreatment program.

18-219. Annual publication of significant violators. A list of significant violators of these regulations during the previous 12 months shall be published annually by the City of Charlotte in a local newspaper. Such publication may also summarize any enforcement action taken against each entity listed during the same 12 month period. For the purpose of this provision, significant violations shall be those that meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4, or 40% over the limit, for BOD, TSS, fats, oil and grease; and 1.2, or 20% over the limit, for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the chief operator believes has caused,

alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(5) Violation, by ninety days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports within thirty days of the due date; such reports include baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Violations which remain uncorrected 45 days after notification of noncompliance;

(9) Violations that are part of a pattern of noncompliance over a 12-month period; or

(10) Any other violation or group of violations which the chief operator considers to be significant.

18-220. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, be guilty of a misdemeanor.

18-221. Fees and billing. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees may include but are not limited to:

- (a) Inspection fee and tapping fee;
- (b) Fees for applications for discharge;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and



(g) Other fees as the city may deem necessary.

(3) Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by section 18-206 of this chapter.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the city's sewer department at the time the application is filed.

(5) Sewer user charges.<sup>1</sup> The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

(6) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with section 18-206 of this chapter.

(7) Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

18-222. Annual notification. Each user of the system will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

18-223. Biennial review of operation and maintenance charges. The user charge system will be reviewed not less often than every two years. At this time, the total wastewater contribution of users and user classes and the total cost of operation and maintenance of the system will be reviewed to assess the need for revision of the user charge rate.

18-224. Validity. This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the city.

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<sup>1</sup>Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the city recorder.

## CHAPTER 3

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

## SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(2) "Cross connection." Any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections;

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

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<sup>1</sup>Municipal code reference

Plumbing and related codes: title 12.

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.

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, sections 68-13-701 through 68-13-719 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses.

18-303. 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 Environment and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the \_\_\_\_\_ or his representative.

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the \_\_\_\_\_ a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises.

18-305. Inspections required. It shall be the duty of the \_\_\_\_\_ to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the \_\_\_\_\_ and as approved by the Tennessee Department of Health and Environment.

18-306. Right of entry for inspections. The \_\_\_\_\_ or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary

intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the \_\_\_\_\_.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, section 68-13-711, within a reasonable time and within the time limits set by the \_\_\_\_\_ shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the \_\_\_\_\_ shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately.

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (a) impractical to provide an effective air-gap separation, (b) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the \_\_\_\_\_, 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, (c) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, (d) there is a likelihood that protective measures may be subverted, altered, or disconnected, the \_\_\_\_\_ or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type

backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the \_\_\_\_\_ prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the municipal 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 \_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the \_\_\_\_\_.

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises served by the public water supply shall be protected from possible contamination as specified herein, any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background.

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances.

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be provided to the City of Charlotte and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the City of Charlotte and its inhabitants, are stated in the agreements between the parties.<sup>1</sup> (1974 Code, § 13-101)

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<sup>1</sup>The agreements are of record in the office of the city clerk.

## CHAPTER 2

GAS

## SECTION

19-201. Grant of franchise.

19-202. Rights granted.

19-203. Use of streets, alleys and public ways.

19-204. City held harmless from liability.

19-201. Grant of franchise. The exclusive right and franchise is hereby granted to the Greater Dickson Gas Authority, its successors and assigns, to lay, construct, extend, maintain, renew, replace and/or repair, gas pipes and gas mains, under, along and/or across any streets, avenues, roads, alleys, lanes, parks and other places and ways in the City of Charlotte, Tennessee, and to use and occupy the said streets, avenues, roads, alleys, lanes, parks and other public places and ways for the purposes of therein laying or constructing, extending, maintaining, renewing, replacing, and/or repairing mains and pipes and all appurtenances, and appendages thereto used and/or sale of gas within and/or through the present or future territorial limits of the City of Charlotte, Tennessee, such right to continue for twenty (20) years after date of approval of this ordinance by the Board of Mayor and City Council of the City of Charlotte, Tennessee. (Ord. #91-9-1, April 1991)

19-202. Rights granted. All rights herein granted and/or authorized shall be and governed only by this ordinance; provided, however, the city council of the City of Charlotte, Tennessee, expressly reserves unto themselves all of their police powers to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights herein granted not inconsistent with the provisions of the ordinance. (Ord. #91-9-1, April 1991)

19-203. Use of streets, alleys and public ways. The Greater Dickson Gas Authority, upon making an opening upon any of the streets, alleys, or public ways of the City of Charlotte, Tennessee, for the purpose of laying pipes, and/or maintaining gas mains, shall use due care and caution to prevent injury to person and shall replace and restore all public ways to their former condition as nearly as practicable and within a reasonable time, and shall not unnecessarily obstruct or impede traffic on the streets, alleys, and public ways of said City of Charlotte, Tennessee. (Ord. #91-9-1, April 1991)

19-204. City held harmless from liability. The Greater Dickson Gas Authority shall save and keep harmless the said city from any and all liability



by reasons of damage or injury to any person or persons whatsoever on account of negligence of the Greater Dickson Gas Authority in the installation and maintenance of its mains, and pipe line along said streets, alleys, public ways, provided, the Greater Dickson Gas Authority shall have been notified in writing of any claim against the City of Charlotte, Tennessee, on account thereof, and shall have been given ample opportunity to defend the same. (Ord. #91-9-1, April 1991)

## TITLE 20

### MISCELLANEOUS

#### CHAPTER

1. EMERGENCY ASSISTANCE POLICY.
2. FAIR HOUSING.

#### CHAPTER 1

### EMERGENCY ASSISTANCE POLICY

#### SECTION

- 20-101. Policy and procedures.
- 20-102. Definitions.
- 20-103. Requesting assistance.
- 20-104. Responding to a request for emergency assistance.

20-101. Policy and procedures. The purpose of this chapter is to establish the policy and procedures that will govern the City of Charlotte in the process of requesting emergency assistance of another local government or in responding to the request of another local government for emergency assistance.

The following sections establish the guidelines under which decisions and their extent of implementation will be made regarding emergency assistance! (Ord. #8-1-93, March 1993)

20-102. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement, requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, any county, metropolitan government, county, utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the police chief or the fire chief or their respective officer in charge. For departments other than law enforcement or fire services the mayor or the person in charge of the particular service area shall be the appropriate senior officer. (Ord. #8-1-93, March 1993)

20-103. Requesting assistance. All requests for emergency assistance made on behalf of the City of Charlotte shall be made or authorized by the appropriate senior officer. The City of Charlotte through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and over all direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

The City of Charlotte accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees including authorized volunteers of a responding party while under the command of the senior officer of the City of Charlotte. However, the City of Charlotte does not accept liability for damage to the equipment or personnel including authorized volunteers of a responding party, nor is the City of Charlotte liable for any damages caused by the negligence of the personnel of the responding party while enroute to or returning from the scene of the emergency.

The City of Charlotte acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (Ord. #8-1-93, March 1993)

20-104. Responding to a request for emergency assistance. The City of Charlotte will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the appropriate senior officer in charge of the particular service area for which services are requested.

Upon the receipt of a request for aid as provided for in the preceding paragraph the city is authorized to respond as follows:

(1) The city is authorized to provide at least one (1) piece of equipment and (1) person or crew from that particular service area from which emergency assistance is requested.

(2) The greatest response that the City of Charlotte will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested.

The City of Charlotte has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary scene of the emergency or the appropriate senior officer for that service for the City of Charlotte. In cases where two or more requests for emergency assistance are made at the same time, the appropriate senior officer of the City of Charlotte shall determine,

based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the requests. The appropriate senior officer may determine to send emergency, or may send some resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

The City of Charlotte accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages to its equipment and personnel in responding to a request for emergency assistance and for damages caused by its equipment or personnel while enroute to or returning from the scene of the emergency. However, the City of Charlotte shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

The personnel of the City of Charlotte shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the (Ord. #8-1-93, March 1993)

## CHAPTER 2

### FAIR HOUSING

#### SECTION

- 20-201. Policy.
- 20-202. Definitions.
- 20-203. Unlawful practice.
- 20-204. Discrimination in the sale or rental of housing.
- 20-205. Discrimination in the financing of housing.
- 20-206. Discrimination in the provisions of brokerage services.
- 20-207. Exemption.
- 20-208. Administration.
- 20-209. Education and conciliation.
- 20-210. Enforcement.
- 20-211. Investigations; subpoenas; giving of evidence.
- 20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the City of Charlotte to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #95-07-3, § 1, Feb. 1995)

20-202. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

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

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

(5) "Discriminatory housing practice" means an act that is unlawful under Sections 20-204, 20-205, or 20-206. (Ord. #95-07-3, § 2, Feb. 1995)

20-203. Unlawful practice. Subject to the provisions of subsection 20-203(2) and section 20-207, the prohibitions against discrimination in the sale or rental of housing set forth in section 20-204 shall apply to:

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

(2) Nothing in section 20-204 shall apply to:

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

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

(ii) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of section 20-204(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

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

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

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

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

(c) they are the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. #95-07-3, § 3, Feb. 1995)

20-204. Discrimination in the sale or rental of housing. As made applicable by section 20-203 and except as exempted by sections 20-203(2) and 20-207, it shall be unlawful:

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

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

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

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

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

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

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #95-07-3, § 4, Feb. 1995)

20-205. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or

to discriminate against them in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with them in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in the section shall impair the scope or effectiveness of the exception contained in section 20-203(2). (Ord. #95-07-3, § 5, Feb. 1995)

20-206. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against them in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (Ord. #95-07-3, § 6, Feb. 1995)

20-207. Exemption. Nothing in this chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. #95-07-3, § 7, Feb. 1995)

20-208. Administration. (1) The authority and responsibility for administering this act shall be in the mayor.

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



boards of officers or to themselves, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the mayor to further such purposes. (Ord. #95-07-3, § 8, Feb. 1995)

20-209. Education and conciliation. Immediately after the enactment of this chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. They shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (Ord. #95-07-3, § 9, Feb. 1995)

20-210. Enforcement. (1) Any persons who claim to have been injured by a discriminatory housing practice or who believe that they will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether they intend to resolve it. If the mayor decides to resolve the complaints, they shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the City of Charlotte who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against them and with the leave of the mayor, which shall be

granted whenever it would be reasonable and fair to do so, may amend his or her answer at any time. Both complaints and answers shall be verified.

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

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

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

(6) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #95-07-3, § 10, Feb. 1995)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his or her access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor may administer oaths.

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

(3) Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by them.

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

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

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

(7) The City of Charlotte Attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (Ord. #95-07-3, § 11, Feb. 1995)

20-212. Enforcement by private persons. (1) The rights granted by sections 20-203, 20-204, 20-205, and 20-206 may be enforced by civil actions in state or local courts or general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or section 20-210(4) from time to time before bringing it to trial or renting dwellings; or

(2) any persons because they are or have been, or in order to intimidate such person or any other person or any class or persons from:

(a) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or

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

(3) any citizens because they are or have been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #95-07-3, § 12, Feb. 1995)

## ORDINANCE NO. 94-10-04

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION OF THE ORDINANCES OF THE CITY OF CHARLOTTE, TENNESSEE.

WHEREAS some of the ordinances of the City of Charlotte are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Charlotte, 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 "Charlotte Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF CHARLOTTE, TENNESSEE, THAT:

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

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

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing or authorizing the

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\*The charter may provide for a different ordination clause; use whatever the charter prescribes.

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited

with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.<sup>1</sup>

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

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

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

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

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<sup>1</sup>State law reference

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

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

Section 10. Date of effect. This ordinance shall take effect ten days 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 April 26, 1994.

Passed 2nd reading June 28, 1994.

Bice David

Mayor

Bonnie Duke

Recorder