

**THE  
CHURCH HILL  
MUNICIPAL  
CODE**

**Prepared by the**



**Municipal Technical Advisory Service**

*In cooperation with the Tennessee Municipal League*

April 2010

Change 2, June 21, 2016

**CITY OF CHURCH HILL, TENNESSEE**

**MAYOR**

Dennis Deal

**VICE MAYOR**

Linda Miller

**ALDERMEN**

B.D. Cradic

Mark Drinnon

James Grigsby

Billy Housewright

Tom Kern

**RECORDER**

Mark Sandidge

## PREFACE

The Church Hill Municipal Code contains the codification and revision of the ordinances of the City of Church Hill, 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 7 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 pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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

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

Stephanie Allen  
Codification Consultant

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

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

**TITLE 1**

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

**CHAPTER**

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. CITY RECORDER.
4. OFFICIAL NEWSPAPER.
5. RECORDS MANAGEMENT, RETENTION AND DISPOSAL.
6. MUNICIPAL RECREATION DEPARTMENT.
7. CODE OF ETHICS.

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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: title 18.

Wastewater treatment: title 18.

Zoning: title 14.

## CHAPTER 1

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

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Compensation of mayor and aldermen.
- 1-105. Elections.

**1-101. Time and place of regular meetings.** The board of mayor and aldermen shall:

(1) Convene its regular monthly meeting on the third Tuesday of each month in the court room at the City/County Building in Church Hill, Tennessee at 7:00 P.M. Eastern Standard Time, or in the summer at 7:00 P.M. Eastern Day Light Savings Time; except that any such regular meeting which falls on a holiday or similarly inconvenient date to the members of the Board and the public may be convened at such different time and place in the same manner as a special meeting.

(2) Whenever in the opinion of the mayor, the welfare of the city demands it, the mayor or the recorder may call a special meeting of the board of mayor and aldermen upon at least twelve (12) hours written notice to each alderman, the recorder and city attorney, served personally or left at their usual place of residence. Each call for a special meeting shall set forth the character

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

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

City Administrator: § 6-4-101.

Compensation: § 6-3-109.

Duties of Mayor: § 6-3-106.

Election of the board: § 6-3-101.

Oath: § 6-3-105.

Ordinance procedure

Publication: § 6-2-101.

Readings: § 6-2-102.

Residence requirements: § 6-3-103.

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

of the business to be discussed at such meeting and no other business shall be considered at such meetings. Public notice of the time and place of any special called meeting shall be posted in city hall, Church Hill Public Library and Church Hill Post Office.

(3) Convene any adjourned meeting at such time and place as is fixed at the meeting from which such meeting is adjourned.

(4) Cause the publication of an annual notice of all the foregoing in a newspaper of general circulation in the city. (2003 Code, § 1-101)

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

- (1) Roll call.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Approval of minutes of previous meetings.
- (5) Oral petitions and presentations by citizens.
- (6) Communications, memorials, and complaints.
- (7) Report of recorder; allowance of accounts.
- (8) Presentation of petitioners resolutions, and ordinances and consideration thereof.
- (9) Reports of special and standing committees.
- (10) Miscellaneous.
- (11) Adjournment. (2003 Code, § 1-102)

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

(2) The mayor shall preside and preserve order during meetings of the board of mayor and aldermen and shall decide all points of order, subject to appeal of the board.

A majority of all members of the board shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalties as may be provided by the board.

(3) When a question is under consideration, no motion shall be entertained except:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a certain day or time.
- (e) To commit to a standing or special committee.

- (f) To amend or to substitute.
- (g) To postpone indefinitely.

These several motions shall take precedence in their order as they stand in this rule. These motions do not require a second, except the motion for the previous question or a call for the "ayes" and "noes."

(4) These rules or any of them may be suspended temporarily at any meeting by a two-thirds vote of the board. The vote shall be by "ayes" and "noes" and shall be so recorded.

(5) An "aye" and "no" vote shall be called and recorded on the vote of every ordinance, resolution, and expenditure of money, and shall be taken upon any other matter when requested by an alderman. In the event that an alderman declines to vote, the recorder shall record his vote as an abstention. A majority vote of all the members of the board shall be necessary to adopt any ordinance or resolution. (2003 Code, § 1-103)

**1-104. Compensation of mayor and aldermen.** (1) The mayor and aldermen shall receive compensation during their terms of office.

(2) The compensation to be received by the mayor shall be fifty dollars (\$50.00) for each business meeting, whether regular or called, of the board of mayor and aldermen, and any regularly scheduled commission or committee meeting, which he personally attends.

(3) The compensation to be received by each alderman, shall be thirty dollars (\$30.00) for each business meeting, whether regular or called, of the board of mayor and aldermen and any regularly scheduled commission or committee meeting, which he personally attends.

(4) The compensation received by the mayor and aldermen as herein above specified shall not be designated for a specific purpose, but may be expended by each as he solely shall desire.

(5) The compensation herein set forth shall be payable only to mayors and aldermen elected after adoption of the provisions in this section.

No mayor or alderman serving an unexpired term upon passage of the provisions in this section may receive any compensation herein set forth until at the expiration of his unexpired term, he has run for election, and been re-elected. (2003 Code, § 1-104, as amended by Ord. #07-24, June 2007)

**1-105. Elections.** Beginning with the July, 2000, election for aldermen, the entire town shall consist of one ward only. The three (3) candidates for alderman receiving the highest number of votes at that election shall serve four (4) year terms in an at-large district. The other three (3) positions for alderman shall be filled in a like manner by at-large elections in July, 2002, and shall also serve four (4) year terms in an at-large district. Elections are to be held on the first Tuesday after the first Monday in November for the year 2014 and thereafter.

The terms of the duly elected aldermen and mayor shall be automatically extended beyond the normal four (4) year term until the first regular city council meeting following the revised election date set above. (2003 Code, § 1-105, as amended by Ord. #12-451, April 2012)

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

1-201. Generally supervises city's affairs.

**1-201. Generally supervises city'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.<sup>2</sup> (2003 Code, § 1-201)

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<sup>1</sup>Charter references

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

Vacancies in office: § 6-3-107.

Vice-Mayor: § 6-3-107.

<sup>2</sup>Charter reference

Duties of Mayor: § 6-3-106.

## CHAPTER 3

### CITY RECORDER<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 recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (2003 Code, § 1-301)

**1-302. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (2003 Code, § 1-302)

**1-303. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board to another corporate officer. He shall have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. He shall also be custodian of all funds of the city, strictly accountable therefor, and shall render a financial report at each regular meeting of the board and he shall perform such other duties as may be required by the board. (2003 Code, § 1-303)

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<sup>1</sup>Charter references

City recorder: § 6-4-201 et seq.

Recorder as treasurer: § 6-4-401(c).

**CHAPTER 4****OFFICIAL NEWSPAPER****SECTION**

1-401. Newspaper designated.

1-402. Alternate newspaper designated.

**1-401. Newspaper designated.** The Rogersville Review is hereby designated an official newspaper for the publication of official notices and ordinances of the City of Church Hill. (2003 Code, § 1-1101)

**1-402. Alternate newspaper designated.** All notices of public meetings, resolutions, and ordinances required by law to be published in a newspaper of general circulation in the City of Church Hill and in Hawkins County, Tennessee may henceforth be published in either the Rogersville Review or the Kingsport Times-News. (2003 Code, § 1-1102)

## CHAPTER 5

### RECORDS MANAGEMENT, RETENTION, AND DISPOSAL

#### SECTION

1-501. Purpose.

1-502. "Public records" and "public documents" defined.

1-503. Adoption by reference of MTAS manual.

1-504. Appoint of the records management officer.

1-505. Duties and responsibilities.

**1-501. Purpose.** The purpose of this chapter is to establish a formal records management program for the City of Church Hill; to define public records and documents, to designate the records management officer for the Town, and to authorize the establishment of a records retention and disposal schedule therefore. (2003 Code, § 1-1201)

**1-502. "Public records" and "public documents" defined.** Pursuant to Tennessee Code Annotated, §10-7-701 and §10-7-301, public records and public documents within the City of Church Hill shall be construed to mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by the board of mayor and aldermen, or by any office, agency or department of the City of Church Hill. (2003 Code, § 1-1202)

**1-503. Adoption by reference of MTAS manual.** Pursuant to Tennessee Code Annotated, § 10-7-702, the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, is authorized to compile and print, in cooperation with the state library and archives, records retention manuals which shall be used as guides by municipal officials in establishing retention schedules for all records created by municipal governments in the state. The Records Management for Municipal Governments - A Reference Guide for City Officials and Municipal Public Records Custodians, September 2002 edition, or the most current publication available, as published by the Municipal Technical Advisory Service (MTAS) of the University of Tennessee, shall be and is hereby adopted by reference for use in the records management program of the City of Church Hill.

After the retention period has expired, the records are to be disposed of as directed by the city recorder. The records for disposal are to be listed on a "Certificate of Records Disposal." The person or department performing the disposal shall be accompanied by a witness designated by the city recorder, and the signatures of both shall be affixed to all copies of the "Certificate of Records

Disposal." The original of the completed "Certificate of Records Disposal" is to be filed in the office of the city recorder. One (1) copy shall be retained and filed in the appropriate department. (2003 Code, § 1-1203)

**1-504. Appointment of the records management officer.** The City Recorder of the City of Church Hill shall be and is hereby appointed "Records Management Officer" for the City of Church Hill, and shall discharge those duties normally associated with the office. (2003 Code § 1-1204)

**1-505. Duties and responsibilities.** The records management officer shall be and is hereby authorized and directed to develop, implement and maintain a "Records Retention and Disposal Log" for all public records required to be maintained by the city, not inconsistent with the aforesaid MTAS Manual and Tennessee Code Annotated. (2003 Code, § 1-1205)

## CHAPTER 6

### MUNICIPAL RECREATION DEPARTMENT

#### SECTION

- 1-601. Director of recreation.
- 1-602. Creation and membership of recreation committee.
- 1-603. Meetings, duties and responsibilities of the recreation committee.
- 1-604. Recreation rules and regulations.
- 1-605. Inter-local agreement.

**1-601. Director of recreation.** There is hereby created for the City of Church Hill the position of director of recreation. The director shall be appointed by and serve at the pleasure of the board of mayor and aldermen. The director shall have the following responsibilities and duties:

(1) The general oversight and administration of the municipal recreation department pursuant to the policy and directives established by the board of mayor and aldermen.

(2) The supervision of the day to day activities of all part-time employees of the recreation department.

(3) The formulation and suggestion to the recreation committee of plans and programs for the recreation department. (2003 Code, § 12-501)

**1-602. Creation and membership of recreation committee.** The mayor shall appoint, subject to confirmation of the board of mayor and aldermen, a recreation committee composed of a current member of the board of mayor and aldermen, and six (6) citizens of the City of Church Hill. The current member of the board of mayor and aldermen shall be chairman of the recreation committee. The members of the committee shall serve at the pleasure of the board of mayor and aldermen. Each member shall have one (1) vote at all committee meetings. (2003 Code, § 12-502)

**1-603. Meetings, duties and responsibilities of the recreation committee.** (1) The recreation committee shall hold regular monthly meetings for the purpose of overseeing the operation of the Recreation Department of the City of Church Hill and making recommendations to the board of mayor and aldermen regarding the continuing operation of the city's parks, recreational facilities, and athletic activities. The committee shall periodically evaluate the progress and development of the various programs within the city, the level of maintenance of all recreation areas, the effectiveness of the programs, and the work of the director and other employees connected with the recreation department. The recreation committee shall aid in coordinating municipal

recreational services and programs with those of other public agencies in the community.

(2) All meetings of the committee, whether regular or special meetings, may be held at the City-County Building on Main Street in Church Hill, Tennessee and shall be open to the public. Four (4) members of the board shall constitute a quorum for the purpose of conducting business so long as the chairman is present. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised.

(3) The recreation committee shall prepare and present to the board of mayor and aldermen for approval in June of each year an annual budget sufficient to finance the municipal recreation program for the next fiscal year. The committee shall also recommend a program for capital improvements to the municipal recreation facilities for the city and make recommendations regarding the allocations of public monies to provide for these improvements. The chairman of the committee shall authenticate each voucher requesting operating expenditures on behalf of the recreation department.

(4) With each annual request for appropriations, the recreation committee shall submit a comprehensive financial report on all aspects of the recreation department. This report shall be authenticated by the chairman of the committee and the city recorder. (2003 Code, § 12-503)

**1-604. Recreation rules and regulations.** The recreation committee shall recommend to the board of mayor and aldermen the establishment of rules and regulations for all recreational areas owned and/or operated by the City of Church Hill. Once adopted by the board of mayor and aldermen at public session, these rules and regulations shall be posted in a public place at each recreational area. Violation of any of these rules and regulations by members of the public visiting the area or participating in any municipal athletic activity shall be grounds for the city's barring the offender from further use of the facilities. The recreation director or his designee is authorized to enforce this section of the chapter by effecting the removal of the offender from the recreational facility. (2003 Code, § 12-504)

**1-605. Inter-local agreement.** Pursuant to Tennessee Code Annotated, the board of mayor and alderman hereby authorizes the Mayor of the City of Church Hill, upon the advice and consent of the board of mayor and alderman, to enter into inter-local agreements with neighboring municipalities for providing joint recreation programs, acquiring equipment and facilities in the use of such programs, staffing such programs, and doing all things incidental and necessary thereto for the purpose of conducting a recreation program. (2003 Code, § 12-505)

## CHAPTER 7

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

#### SECTION

- 1-701. Applicability.
- 1-702. Definition of "personal interest."
- 1-703. Disclosure of personal interest by official with vote.
- 1-704. Disclosure of personal interest in non-voting matters.
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information.
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority.
- 1-709. Outside employment.

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

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

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

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

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

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

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

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

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

1-710. Ethics complaints.

1-711. Violations.

**1-701. Applicability.** This chapter is the code of ethics for personnel of the City of Church Hill. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" or "City of Church Hill" include these separate entities. (Ord. #07-421, April 2007)

**1-702. Definition of "personal interest."** (1) For purposes of §§ 1-703 and 1-704, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (Ord. #07-421, April 2007)

**1-703. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (Ord. #07-421, April 2007)

**1-704. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects

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

or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #07-421, April 2007)

**1-705. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (Ord. #07-421, April 2007)

**1-706. Use of information.** (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. #07-421, April 2007)

**1-707. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the board of mayor and aldermen to be in the best interests of the city. (Ord. #07-421, April 2007)

**1-708. Use of position or authority.** (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (Ord. #07-421, April 2007)

**1-709. Outside employment.** Full-time or employee of the city may not accept any outside employment without written authorization from the mayor. (Ord. #07-421, April 2007)

**1-710. Ethics complaints.** (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(b) The city attorney may request the board of mayor and aldermen to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (Ord. #07-421, April 2007)

**1-711. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (Ord. #07-421, April 2007)

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. PRE-HOSPITAL CARE REGULATORY BOARD.
2. SENIOR CITIZENS ADVISORY BOARD.

**CHAPTER 1****PRE-HOSPITAL CARE REGULATORY BOARD****SECTION**

- 2-101. Pre-hospital care regulatory board established.
- 2-102. Regulations to be established by pre-hospital care regulatory board.
- 2-103. Purpose.
- 2-104. Membership of pre-hospital care regulatory board.

**2-101. Pre-hospital care regulatory board established.** There shall be established a pre-hospital care regulatory board to govern pre-hospital care providers and the pre-hospital care system within the corporate boundaries. (2003 Code, § 5-201)

**2-102. Regulations to be established by pre-hospital care regulatory board.** The pre-hospital care regulatory board shall establish such regulations over providers and the system as are necessary to preserve the public safety and general welfare, including, but not limited to, standards of care for all pre-hospital care providers or any agency or organization that provides emergency or convalescent care in a pre-hospital setting within the corporate limits. (2003 Code, § 5-202)

**2-103. Purpose.** Pursuant to Tennessee Code Annotated, §§ 7-61-103, et seq., the pre-hospital care regulatory board shall develop a quality assurance program, coordinate pre-hospital care within the corporate limits, standardize training and protocols, enforce a standard of care for the municipality, assure appropriate patient care, coordinate response to emergencies, submit necessary reports to the board of mayor and aldermen and other government authority. (2003 Code, § 5-203)

**2-104. Membership of pre-hospital care regulatory board.** There shall be one (1) physician member, the Church Hill Safety Director, a certified EMT or paramedic, and a citizen at large appointed to the pre-hospital care regulatory board by the mayor, subject to confirmation by the board of mayor and aldermen.

Any person violating any of the provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 5-204)

## CHAPTER 2

### SENIOR CITIZENS ADVISORY BOARD

#### SECTION

- 2-201. Senior citizens advisory board created.
- 2-202. Composition of board.
- 2-203. Compensation of board members.
- 2-204. Officers.
- 2-205. Meetings.
- 2-206. Operations, finances, budgets.

**2-201. Senior citizens advisory board created.** There is hereby created and established a senior citizens advisory board, hereinafter referred to as the advisory board, which advisory board shall provide guidance relating to the operation of the senior citizens center and which may adopt by-laws for the operation of same. (2003 Code, § 1-1401)

**2-202. Composition of board.** (1) The advisory board shall be composed of thirteen (13) members; the senior citizens director and the mayor shall be ex-officio members, six (6) members shall be appointed from the senior citizens program participation roster; and the remaining appointments be members-at-large regardless of age; all of whom shall act and serve until his or her term expires or until a successor is appointed and qualifies. All members of said advisory board shall be appointed by the mayor with the approval of the board as follows:

(2) The original membership of the thirteen (13) members of said advisory board shall be appointed by the mayor with the approval of the board as follows: three (3) members from the senior citizens program participation roster shall be appointed for term of two (2) years, and three (3) members at large shall be appointed for a term of two (2) years, the remaining members shall be appointed for a term of one (1) year, and all terms thereafter shall be for a term of two (2) years or until their successors are appointed and qualify.

(3) In the event of a vacancy on said advisory board because of death, resignation, inability or refusal of a member to serve, then in any such event, said vacancy shall be filled for the unexpired term of such member by appointment of the mayor, with the approval of the board. (2003 Code, § 1-1402)

**2-203. Compensation of board members.** The members of the advisory board, by accepting appointment on said advisory board shall serve without compensation, and perform their duties for the benefit of, and for the general welfare of the city and it's surrounding community. (2003 Code, § 1-1403)

**2-204. Officers.** After appointment, the members of said advisory board, shall meet in regular session and organize themselves by electing from their number, a chairman, vice-chairman, and a secretary, and each person so elected, shall hold office for one (1) year, or until a successor is elected and qualified. (2003 Code, § 1-1404)

**2-205. Meetings.** The advisory board shall meet in regular session at least once each month, and the time and place shall be decided by vote of the members. It shall be the duty of the chairman to preside over all meetings of the advisory board and in the absence of the chairman, the vice-chairman shall preside. The secretary shall keep a record of all proceedings of the advisory board. Any meetings, other than a regular meeting, may be called by the chairman, or by any six (6) members of the advisory board, and six (6) members being present shall constitute a quorum. (2003 Code, § 1-1405)

**2-206. Operations, finances, budgets.** (1) The advisory board shall recommend all fees and charges connected with the operation of the senior citizens center.

(2) The advisory board shall prepare an operating budget annually thereafter for consolidation with the annual budget of the city.

(3) The advisory board, may in the name of the City of Church Hill, Tennessee, accept any grant, or gift, or bequest of money, or other personal or real property or any other grants from the United States of America, the State of Tennessee, County of Hawkins and any other person, firm or corporation, to be used and applied for the purposes provided for herein, subject the approval of the board of mayor and aldermen.

The board of mayor and aldermen may appropriate, as it deems wise and proper, funds to meet or match any aid or assistance made available from any entity or person to the City of Church Hill Senior Citizens Advisory Board for the benefit and purposes of the senior citizens center.

(4) All grants, gifts, bequests of money or other personal or real property, or any other grants, funds, monies, or other contributions, so made for the use of the advisory board shall be deposited with the city recorder and held by him in trust, in what shall be hereafter known as the advisory board fund, to be kept as a separate line item from all other city funds and shall be disbursed, as may be provided by the charter or any ordinance.

(5) All materials, supplies and equipment required or desired shall be requisitioned by the senior citizens director as provided by the charter or any ordinance.

(6) All fixtures, books, periodicals, supplies, material, equipment, etc., of the senior citizens center shall be under the control of the senior citizens director. (2003 Code § 1-1406)

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

1. MUNICIPAL JUDGE.
2. SCHEDULES OF FINES.

**CHAPTER 1****MUNICIPAL JUDGE****SECTION**

- 3-101. Office created.
- 3-102. Qualifications.
- 3-103. Term of office; vacancy.
- 3-104. Oath and bond.
- 3-105. Salary.
- 3-106. Absence or disability.

**3-101. Office created.** Pursuant to the authority granted in Tennessee Code Annotated, 16-18-101 et seq., there is hereby created and established for the City of Church Hill, Tennessee, the office of municipal judge, which judge shall be vested with the judicial powers and functions granted to the mayor under the laws of Tennessee, and said judge shall be subject to the provisions of the law governing the mayor's court or the municipal court presided over by the mayor, as set out by the laws of the State of Tennessee. (2003 Code, § 1-501)

**3-102. Qualifications.** Any person serving as municipal judge shall be at least twenty-five (25) years of age and shall be a resident of the State of Tennessee at the time of and for the duration of his appointment. (2003 Code, § 1-502)

**3-103. Term of office; vacancy.** The municipal judge shall be appointed by the board of mayor and aldermen for a term of two (2) years, said term beginning the first day of July and any incumbent judge shall serve during the term and until his successor is appointed and qualified. Any vacancy in the office of municipal judge shall be filled for the unexpired term by the board of mayor and aldermen. (2003 Code, § 1-503)

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<sup>1</sup>Charter references

City Judge--City Court: § 6-4-301.

**3-104. Oath and bond.** The municipal judge shall take the same oath of office as that prescribed for the mayor and, before entering upon the duties of this office, shall make bond in the amount of five thousand dollars (\$5,000.00), the cost of said bond being paid by the City of Church Hill. (2003 Code, § 1-504)

**3-105. Salary.** The salary of the municipal judge shall be fixed by the board of mayor and aldermen before his or her appointment by motion and said salary shall not be altered during the term for which he or she is appointed. (2003 Code, § 1-505)

**3-106. Absence or disability.** In the absence or during the disability of the municipal judge, the mayor shall serve as judge until such time as the municipal judge shall resume his duties. (2003 Code, § 1-506)

## CHAPTER 2

### SCHEDULE OF FINES

#### SECTION

3-201. Schedule of fines.

3-202. Court costs imposed.

**3-201. Schedule of fines.** (1) The maximum fine which may be imposed by the City Judge for the City of Church Hill, Tennessee, shall be the maximum fine allowable under the Constitution of the State of Tennessee and as set out in Tennessee Code Annotated

(2) All persons cited into the City Court of the City of Church Hill, Tennessee, who decide to pay any such citation in advance of their court appearance may pay said citation and court costs in accordance with the schedule of fines and court costs as may, from time to time, be adopted by the board of mayor and aldermen by resolution.

(3) Pursuant to a finding of guilt by the city judge of any violation of an ordinance of the Church Hill Municipal Code, and further pursuant to a finding that extraordinary manpower hours or expenses have been incurred in the cleanup, firefighting, or other extraordinary activities conducted by the employees of the municipality, in correcting or addressing the results of said violation, the fines imposed by the city judge may include such costs as are made necessary by the violation of said municipal ordinance, and such costs are to be treated as fines pursuant to Tennessee Code Annotated, § 6-2-201(28)(b). (2003 Code, § 9-701)

**3-202. Court costs imposed.** Court costs shall be assessed by the city court clerk (city recorder) to the maximum allowed under Tennessee Code Annotated, § 8-21-401, as follows:

- (1) For issuing summons for each defendant - \$5.00
- (2) For issuing city court subpoenas to bring in paper or record, etc., and for issuing subpoena for witness - \$2.00
- (3) For each copy of the above processes when required by law - \$1.50
- (4) For each recognizance, bond or mittimus - \$2.00
- (5) For filing each bond, complaint, affidavit, or other document - \$2.00
- (6) For each entry in the city court rule docket for each order, document, summons, and return of process entered upon the rule, trial, or execution docket - \$2.00
- (7) For making and entering on execution docket each bill of costs - \$3.00
- (8) For entering each continuance - \$1.50
- (9) For entering each judgment - \$3.00
- (10) For furnishing each bill of cost - \$2.00

- (11) For providing certified copies and statements of sentence to county workhouse and for the county executive - \$3.50
- (12) For furnishing attorneys, indigent defendants, or other defendants with copies of documents at \$2.00 for the first page and \$1.00 dollar for each additional page not to exceed \$10.00
- (13) For receiving and paying over all taxes, fines, forfeitures fees and amercements, five percent (5%) on the dollar
- (14) For receiving and paying over all privileged taxes on litigation, two percent (2%) on the dollar
- (15) For providing a certified copy of a final judgment - \$3.00
- (16) For receiving and handling motor vehicle license and/or submitting abstracts on motor vehicle violations - \$2.00
- (17) For preparing and mailing correspondence notifying defendants and attorneys of record of the setting of cases on the court docket - \$2.00
- (18) Where a warrant is dismissed as a result of a diversion program - \$25.00
- (19) In all cases where a fine is imposed, but is to be paid in installments, the clerk shall charge a fee for services in administering a deferred payment plan in the amount of five percent (5%) of the total not to exceed fifteen dollars (\$15.00)
- (20) In each new case filed, the clerk may, at his option, charge an additional fee for data entry, such fee shall be \$2.00. (2003 Code, § 9-702)

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

1. SOCIAL SECURITY.
2. VACATION AND SICK LEAVE.
3. MISCELLANEOUS REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL AND EXPENSE REGULATIONS.

**CHAPTER 1****SOCIAL SECURITY****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusions.
- 4-107. When effective.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the City of Church Hill, Tennessee, to extend, as of the date hereinafter set forth, at the earliest date, to employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the System of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734, 81st Congress. 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. (2003 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 Director of Old Age and Survivors Insurance Agency State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-101. (2003 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 § 4-101 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. (2003 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. (2003 Code, § 1-704)

**4-105. Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (2003 Code, § 1-705)

**4-106. Exclusions.** (1) There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the City of Church Hill, Tennessee, or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations.

(2) There is hereby excluded from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than one thousand dollars (\$1,000.00) on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January, 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a state's modification is mailed, or delivered by other means, to the appropriate federal official. (2003 Code, § 1-706)

**4-107. When effective.** It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof the provisions in this chapter shall be in full force from and after their passage, approval, and publication as required by law, and shall be effective October 1, 1971. (2003 Code, § 1-707)

## CHAPTER 2

### VACATION AND SICK LEAVE

#### SECTION

4-201. Applicability of chapter.

4-202. Vacation leave.

4-203. Sick leave.

4-204. Leave records.

**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. (2003 Code, § 1-801)

**4-202. Vacation leave.** All officers and employees shall be allowed one (1) week of vacation leave with pay after one year of employment; two (2) weeks annually after two (2) years; three (3) weeks annually after five (5) years; and four (4) weeks after ten (10) years. Vacation leave shall be taken at a time mutually agreeable with the employee and the mayor or such other officer as he may designate.

Vacation leave must be taken annually and cannot be accumulated from year to year unless an emergency arises and said employee is required to work during scheduled vacation periods in which event said vacation may be carried over to the next year, but no further.

Vacation must be taken according to the guidelines established in the City of Church Hill Personnel Policy. (2003 Code, § 1-802)

**4-203. Sick leave.** (1) Sick-leave will be allowed and can accumulate for a period of one (1) day for each month the employee is employed by the city with accumulation of sick-leave allowed up to a maximum of sixty (60) days.

(2) Accumulated sick-leave can build to said maximum of sixty (60) days over a period not to exceed five (5) years but with deductions allowed for sick-leave taken within said period to be considered in accumulating said total over said period of time.

(3) Sick-leave is to be used only in the event of legitimate personal illness and not for personal leave, vacations, or holidays.

(4) Sick leave must be taken according to the guidelines established in the City of Church Hill Personnel Policy. (2003 Code, § 1-803, as amended by Ord. #13-462, Aug. 2013)

**4-204. 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. (2003 Code, § 1-804)

## CHAPTER 3

### MISCELLANEOUS REGULATIONS

#### SECTION

- 4-301. General purpose.
- 4-302. Nepotism.
- 4-303. Attendance.
- 4-304. Personal absence without pay.
- 4-305. Jury duty.
- 4-306. Garnishments.
- 4-307. Military duties/leave.
- 4-308. Political activity.

**4-301. General purpose.** It is the purpose of the City of Church Hill to establish a fair and uniform system of personnel policies and procedures for all employees of the city in order that the most effective services possible may be delivered to the citizens of the community in keeping with the social and economic needs of the citizens. It shall therefore be the policy of the city that:

- (1) Employment shall be based on merit and fitness, without regard to race, religion, national origin, political affiliation, sex, age, creed or color;
- (2) Just and equitable incentives and conditions of employment may be established and maintained; and
- (3) All applicable state and federal regulations shall apply in personnel administration. (2003 Code, § 1-901)

**4-302. Nepotism.** No person shall be appointed or serve in a position over which a member of his immediate family as a city employee or city official has direct supervisory authority or may effect his or her job performance, job evaluation, or status in any way. Immediate family shall be considered a spouse, children, parents, siblings, foster parents, grandparents, and similar relatives of the employee's spouse. Existing situations may remain but efforts shall be made to minimize the effect of same. (2003 Code, § 1-902)

**4-303. Attendance.** Attendance is mandatory. Failure to report on time and leaving work early will have a direct adverse impact on any raises, promotions, or other terms and conditions of employment. Employees will be paid only for time worked. Should an employee be unable to work or perform his or her assigned duties, the employee shall promptly notify the appropriate supervisor. (2003 Code, § 1-903)

**4-304. Personal absence without pay.** The city recognizes that there may be compelling personal reasons for employees to request from a few minutes to a few days off during the course of employment. In this event, a

request must be submitted at least twenty-four (24) hours in advance to the appropriate supervisor (except in the case of emergencies) providing a full explanation of the situation which requires personal absence. Such a personal absence is uncompensated but no more than twenty four (24) hours of personal absence without pay may be taken in any one (1) calendar year. (2003 Code, § 1-904)

**4-305. Jury duty.** Jury duty is a matter of civic obligation. If a full-time employee is called to jury duty, he or she will be paid the usual salary, provided he or she remits to the city any compensation received from court for jury services, and that he or she report to work on any day or any part of a day that he or she is excused from jury duty. (2003 Code, § 1-905)

**4-306. Garnishments.** An assignment or a garnishment of a portion of an employee's compensation is an inconvenient and unnecessary administrative expense to the city. The city may take such disciplinary steps, including dismissal, as are legally allowed and appropriate in the particular matter. (2003 Code, § 1-906)

**4-307. Military duties/leave.** (1) Any employee who enters active duty within a branch of the armed forces of the United States will be granted a military leave of absence without pay. Employees who have been granted a military leave of absence will be re-employed in accordance with all applicable Federal and State laws.

(2) Full-time employees who are members of a military reserve unit that is required to attend a two (2) week training session annually will be allowed to perform that obligation without loss of income. The city may pay any difference between normal pay and the amount received in military pay for the two (2) week period. When returning from military duty, the employee must present his or her military reserve pay voucher to the city recorder who will arrange for such payments. (2003 Code, § 1-907)

**4-308. Political activity.** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the governing body. The restriction against running for office in the governing body shall not apply to elective officials (2003 Code, § 1-908)

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

- 4-401. Creation and title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

**4-401. Creation and title.** There is hereby created an occupational safety and health program for the employees of City of Church Hill as follows. This chapter shall be known as the Occupational, Safety and Health Program for the employees of the City of Church Hill, Tennessee. (2003 Code, § 1-1001)

**4-402. Purpose.** The City of Church Hill, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with the state commissioner of labor and workforce development with regard to the adequacy of the form and content of records.
- (5) Consult with the state commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are

considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (2003 Code, § 1-1002)

**4-403. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of City of Church Hill shall apply to all employees of each administrative department, commission, board, division, or other agency of the city whether part-time or full-time, seasonal or permanent. (2003 Code, § 1-1003)

**4-404. Standards authorized.** The occupational safety and health standards adopted by the City of Church Hill are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972, Tennessee Code Annotated, title 50, chapter 3. (2003 Code, § 1-1004)

**4-405. Variances from standards authorized.** The City of Church Hill may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with the Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the city shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the safety director of the city shall be deemed sufficient notice to employees. (2003 Code, § 1-1005)

**4-406. Administration.** The board of mayor and alderman shall appoint a director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the City of Church Hill, Tennessee. The director shall develop a plan of operation for the program and said plan shall become a part of this ordinance when it satisfies all applicable

sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (2003 Code, § 1-1006)

**4-407. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this ordinance shall be made available as authorized by the Board of Mayor and Aldermen of the City of Church Hill. (2003 Code, § 1-1007)

## CHAPTER 5

### TRAVEL AND EXPENSE REGULATIONS

#### SECTION

4-501. Purpose.

4-502. Enforcement.

4-503. Travel policy.

4-504. Travel reimbursement rate schedules.

4-505. Administrative procedures.

**4-501. Purpose.** The purpose of this chapter and referenced regulations is to bring the city into compliance with Tennessee Public Acts 1003, chapter 433 which requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body and any official or employee of the municipality whose salary is set by charter or general law" to provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (2003 Code, § 1-1301)

**4-502. Enforcement.** The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (2003 Code, § 1-1302)

**4-503. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on 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 five dollars (\$5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, 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. (2003 Code, § 1-1303)

**4-504. 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. (2003 Code, § 1-1304)

**4-505. Administrative procedures.** The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 2003. A copy of the administrative procedures is on file in the office of the city recorder. (2003 Code, § 1-1305)

**TITLE 5****MUNICIPAL FINANCE AND TAXATION<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PROPERTY TAX.
3. WHOLESALE BEER TAX.
4. LOCAL SALES TAX.
5. PURCHASING.

**CHAPTER 1****MISCELLANEOUS****SECTION**

5-101. Bank depository designated.

**5-101. Bank depository designated.** The city recorder/treasurer shall from time to time solicit proposals for banking services from local banking institutions so as to maximize the return on idle municipal funds and to minimize the expenses incurred for banking services. To this end, with the advice and consent of the board of mayor and alderman, the city recorder/treasurer shall determine and announce to the board of mayor and alderman at a regularly scheduled meeting the bank depository he officially designates for municipal funds and banking services. (2003 Code, § 1-1103)

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<sup>1</sup>Charter references

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

## CHAPTER 2

### PROPERTY TAX

#### SECTION

5-201. Tax levied.

5-202. When set.

5-203. Tax to be lien on property; when due; when delinquent; interest and penalties.

5-204. Assessment of property for taxes.

5-205. Recorder to collect.

5-206. Tax to be used for any lawful city expenditure.

5-207. Collection of delinquent taxes.

**5-201. Tax levied.** There is hereby levied and enacted a tax on all property within the boundaries of the City of Church Hill which is taxable by municipalities under the laws of the State of Tennessee. (2003 Code, § 6-101)

**5-202. When set.** The levy rate is to be set each year before July 1, or as soon thereafter as possible upon the adoption of the City of Church Hill annual budget. (2003 Code, § 6-102)

**5-203. Tax to be lien on property; when due; when delinquent; interest and penalties.** The tax shall become a lien upon all property on and after January 10th of each year; shall become due and payable on and after October 1st, next following; shall become delinquent on and after March 1st of the year following the date it becomes due and payable; and shall bear interest and penalties as provided by the laws of the State of Tennessee pertaining to municipal taxes. (2003 Code, § 6-103)

**5-204. Assessment of property for taxes.** For purposes of said tax and determination of the amounts due thereunder the assessments made by the County Tax Assessor of Hawkins County, Tennessee, upon property within the boundaries of the City of Church Hill, Tennessee, shall be used and are hereby adopted until such time as the said city may by appropriate action provide a separate means of assessment, and provided that where property lying partly within the city and partly outside the city shall be assessed in one assessment by the said county tax assessor without allocation of value as to the portion lying within the city, in such event, the Board of Mayor and Aldermen of the City of Church Hill shall have full power and authority to determine what part of such assessed value is properly allocable to property within said city.

Utilities and carriers shall be assessed by the means and the manner provided by state law for assessment of such property. (2003 Code, § 6-104)

**5-205. Recorder to collect.** The taxes herein levied shall be paid to the Recorder of the City of Church Hill, Tennessee, or such other official or employee as the city may by ordinance or resolution designate. (2003 Code, § 6-105)

**5-206. Tax to be used for any lawful city expenditure.** All monies collected under this Chapter shall be deposited in the name of the City of Church Hill and said money shall be used for any lawful expenditure of the City of Church Hill, any lawful expenditure being defined from time to time by appropriate action of the Board of Mayor and Aldermen. (2003 Code, § 6-106)

**5-207. Collection of delinquent taxes.** The taxes herein levied may be collected in the same manner as is provided for collection of delinquent municipal taxes by the laws of the State of Tennessee and any ordinance, or ordinances, of the City of Church Hill, Tennessee. (2003 Code, § 6-107)

**CHAPTER 3****WHOLESALE BEER TAX****SECTION**

5-301. To be collected.

**5-301. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the 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> (2003 Code, § 6-201)

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<sup>1</sup>State law reference

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

## CHAPTER 4

LOCAL SALES TAX

## SECTION

5-401. Findings of board.

5-402. Tax levied.

5-403. State to collect.

5-404. Remedies of taxpayers claiming illegal assessment and collection.

5-405. Election required for approval of tax.

**5-401. Findings of board.** It is in the best interest of the citizens and residents of the City of Church Hill to impose and collect a sales tax upon the sale or use of all personal property, within the City of Church Hill, as allowed under the 1963 Local Option Revenue Act. (2003 Code, § 6-301)

**5-402. Tax levied.** The City of Church Hill hereby adopts the provisions of the Tennessee Code Annotated, § 67-6-701, and hereby imposes a sales tax on the sale or use of all articles of personal property within the boundaries of the City of Church Hill at the rate of one-half (.5) cent per one dollar (\$1.00), said amount collected not to exceed two dollars and fifty cents (\$2.50) on the sale or use of any single article of personal property. (2003 Code, § 6-302)

**5-403. State to collect.** The Department of Revenue of the State of Tennessee shall collect such tax concurrently with the collection of the state tax and in the same manner as the state tax is collected. (2003 Code, § 6-303)

**5-404. Remedies of taxpayers claiming illegal assessment and collection.** Upon any claim of illegal assessment and collection, the taxpayer shall have all the remedies provided in the Tennessee Code Annotated, and suit shall be brought against the Mayor of the City of Church Hill in such instances. (2003 Code, § 6-304)

**5-405. Election required for approval of tax.**<sup>1</sup> An election shall be held in the City of Church Hill within sixty (60) days after the adoption of the provisions in this chapter, with all registered voters having an option to vote for or against the ordinance, said election to be held in conjunction with the Church Hill city election on June 15, 1972. In the event the ordinance is approved by the voters of the City of Church Hill it shall become effective forty (40) days after the date of approval. (2003 Code, § 6-305)

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<sup>1</sup>The local sales tax ordinance, Ordinance No. 83, was approved by the voters on June 15, 1972, by a vote of 269 to 154.

## CHAPTER 5

### PURCHASING

#### SECTION

5-501. Application.

5-502. Limits on purchases.

5-503. Advertising and bidding -- exceptions.

5-504. Advertising and bidding -- expenditures of less than \$5,000.00.

5-505. Additional authority of board.

**5-501. Application.** This chapter shall apply to all purchases by authorized officials using or encumbering municipal funds, except as follows:

(1) This chapter shall not apply to purchases made under the provisions of Tennessee Code Annotated, § 12-3-1001;

(2) This chapter shall not apply to investments in or purchases from the pooled investment fund established pursuant to Tennessee Code Annotated, § 9-17-105;

(3) This chapter shall not apply to purchases from instrumentalities created by two (2) or more cooperating governments such as, but not limited to, those established pursuant to the Interlocal Cooperation Act, compiled in Tennessee Code Annotated, title 12, chapter 9; and

(4) This chapter shall not apply to purchases from nonprofit corporations such as, but not limited to, the Local Government Data Processing Corporation, whose purpose or one (1) of whose purposes is to provide goods or services specifically to municipalities. (2003 Code, § 1-1501)

**5-502. Limits on purchases.** All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (2003 Code, § 1-1502)

**5-503. Advertising and bidding -- exceptions.** Except as hereinafter provided, all purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

(1) Purchases costing less than five thousand dollars (\$5,000.00); provided, that this exemption shall not apply to purchases of like items which individually cost less than five thousand dollars (\$5,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed five thousand dollars (\$5,000.00) during any fiscal year;

(2) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the mayor and the board of mayor and alderman and shall include all items of information as required for the record;

(3) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the board of mayor and aldermen and the mayor, and shall include all items of information as required in the record;

(4) Leases or lease-purchase agreements requiring total payments of less than five thousand dollars (\$5,000.00) in each fiscal year the agreement is in effect; provided, that this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased with total payments of less than five thousand dollars (\$5,000.00) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be five thousand dollars (\$5,000.00) or more in any fiscal year;

(5) Purchases, leases, or lease-purchases of real property;

(6) Purchases, leases, or lease-purchases from any federal, state, or local governmental unit or agency of secondhand articles or equipment or other materials, supplies, commodities, and equipment;

(7) Purchases of perishable commodities from the requirements of public advertisement and competitive bidding, when such items are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the mayor and the board of mayor and alderman, and shall include all items of information as required in the record. Fuel and fuel products may be purchased in the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available; and

(8) Purchases, for resale, of natural gas and propane gas. (2003 Code, § 1-1503)

**5-504. Advertising and bidding -- expenditures of less than \$5,000.00.** All purchases, leases, or lease-purchase arrangements with expenditures of less than five thousand dollars (\$5,000.00) but more than one thousand dollars (\$1,000.00) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. Purchases, leases, or lease-purchases of one thousand dollars (\$1,000.00) or less in any fiscal year shall not require any public advertisement or competitive bidding. (2003 Code, § 1-1504)

**5-505. Additional authority of board.** (1) The board of mayor and alderman may, by resolution, lower the dollar amounts required in this chapter for public advertisement and competitive bidding to an amount to be set by the board.

(2) The board of mayor and alderman may, by resolution, adopt regulations providing procedures for implementing the provisions of this chapter. (2003 Code, § 1-1505)

**TITLE 6****LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST<sup>1</sup>****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Police department policies and procedures manual approved.

**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. (2003 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. (2003 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (2003 Code, § 1-403)

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

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<sup>1</sup>Municipal code reference

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (2003 Code, § 1-404)

**6-105. Policemen may require assistance.** It shall be unlawful for any male person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (2003 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (2003 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (2003 Code, § 1-407)

**6-108. Police department policies and procedures manual approved.** The policies and procedures manual promulgated and approved by the board of mayor and aldermen on March 16, 1993, is approved and adopted as the official policy of the City of Church Hill. The chief of police shall from time to time make recommendations to the board of mayor and aldermen as to the improvement and additions to said manual but all alterations of the police department policies and procedures manual shall be approved by the board of mayor and aldermen. (2003 Code, § 1-408)

**TITLE 7**

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

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be and include all that area of the city zoned as the central business district. (2003 Code, § 7-101)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

Burning of refuse: § 13-101.

## CHAPTER 2

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

#### SECTION

7-201. Fire code adopted.

7-202. Available in recorder's office.

7-203. Violations and penalty.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,<sup>2</sup> 2006 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

**7-202. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**7-203. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the fire code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

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

## CHAPTER 3

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

#### SECTION

- 7-301. Establishment and membership.
- 7-302. Objectives.
- 7-303. Organization, rules and regulations.
- 7-304. Review committee.
- 7-305. Records and reports.
- 7-306. Tenure of chief.
- 7-307. Equipment and funding.
- 7-308. Training and maintenance.
- 7-309. Equipment to be used within the municipal limits of the City of Church Hill.
- 7-310. Chief to be assistant to state officer.
- 7-311. Status.
- 7-312. Liability and other insurance.

**7-301. Establishment and membership.** There is hereby established a municipal fire department to be equipped from appropriations by the board of mayor and aldermen. The municipal fire department is to be staffed by city employees and volunteers. The chief shall be appointed by the board of mayor and aldermen. (2003 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 fire.
- (3) To confine fires to their places of origin and to extinguish them.
- (4) To prevent loss of life from asphyxiation.
- (5) To perform such rescue work as equipment and training of personnel make practicable. (2003 Code, § 7-302)

**7-303. Organization, rules and regulations.** The fire chief shall, with the consent and approval of the board of mayor and aldermen, set up the internal organization of the municipal fire department. He shall make definite assignments to individuals, and shall, subject to the approval of the mayor and aldermen, formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. The chief shall have the authority to suspend any member of the municipal fire

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<sup>1</sup>Municipal code reference

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

department for violating the departmental rules and regulations or whenever he deems it necessary for the continuing efficient operation of the department. (2003 Code, § 7-303)

**7-304. Review committee.** Any suspended member, either volunteer or city employee, shall have the option of appealing his suspension to the board of mayor and aldermen. The board shall, after affording the aggrieved member an opportunity to present his position, either orally or in writing, at a regular or special meeting affirm the suspension, modify the suspension, or remove the suspended member. (2003 Code, § 7-304)

**7-305. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, charitable contributions, personnel, and work of the department. He shall submit a written report on such matters to the mayor prior to each regular meeting of the board of mayor and aldermen. At the end of the year, a detailed annual report shall be made and submitted. (2003 Code, § 7-305)

**7-306. Tenure of chief.** The mayor shall have the authority to suspend the fire chief for a period not to exceed thirty (30) days. In the event such suspension is required for the proper functioning of the administration of the department, the mayor shall announce, at the next regular meeting of the board of mayor and aldermen, the fact of the suspension and make recommendations to the board regarding the chief's future status. The suspended fire chief shall be allowed to state his position regarding the suspension and the mayor's recommendations if he so desires. The board, shall by majority vote, act upon the mayor's recommendations. At the beginning of each fiscal year, the board of mayor and aldermen shall exercise the option of appointing a new fire chief or reappointing the incumbent fire chief. (2003 Code, § 7-306)

**7-307. Equipment and funding.** The fire department shall be funded whenever necessary from the treasury of the city. The municipal fire department shall also accept donations from the general public which shall be used to defray the expenses of the operation of the municipal fire department and to purchase firefighting equipment and supplies. Any equipment donated to the fire department shall be the sole property of the City of Church Hill. Fire protection apparatus and equipment purchased with appropriations from the treasury of the City of Church Hill or with charitable contributions shall be the property of the city. (2003 Code, § 7-307)

**7-308. Training and maintenance.** The chief of the municipal fire department shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the municipal fire department.

Fire department personnel shall hold not less than one practice training session a month. (2003 Code, § 7-308)

**7-309. Equipment to be used within the municipal limits of the City of Church Hill.** The Church Hill municipal fire department shall respond to calls for firefighting and fire protection within the corporate limits of the City of Church Hill. The board of mayor and aldermen may, in its discretion, and by resolution, authorize fire protection activity at other location in Hawkins County upon such conditions as the board deems is in the best interests of the citizens of Church Hill. Reciprocal mutual assistance agreements may be executed with other municipalities and other volunteer fire departments as the board deems necessary and proper. (2003 Code, § 7-309)

**7-310. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the municipal fire department is hereby 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 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (2003 Code, § 7-310, modified)

**7-311. Status.** All members of the municipal fire department who are not employed by the city in another capacity, serve as volunteers and, with their application and agreement to serve, acknowledge that they are not employees of the City of Church Hill but are serving their community for fire protection purposes. Volunteer members shall serve without compensation. (2003 Code, § 7-311)

**7-312. Liability and other insurance.** The City of Church Hill shall carry and pay the premiums on liability insurance to cover the hazards of municipal and volunteer firemen operating fire trucks and equipment over the public highways and roads. The city may also carry collision insurance on all of its fire department vehicles. The City of Church Hill may, if financially possible, provide medical and wage loss indemnity insurance coverage for volunteer members of the municipal volunteer fire department in order to compensate, in so far as the policy provides, volunteer firemen for medical expenses and any actual wage loss suffered from their regular job as a result of an injury incurred during the volunteer member's participation in firefighting activities on behalf of the City of Church Hill. The city's financial responsibility to its firemen is limited by this chapter to paying the premiums on whatever liability, indemnity, medical and workers' compensation insurance is purchased, if any. The City of Church Hill is not responsible for the actual medical expenses and actual lost wages of any member in the municipal volunteer fire department either as a current city employee or a volunteer, in the event that

any insurance carrier becomes insolvent or otherwise defaults upon its obligations to pay any claim under the insurance policy purchased by the City of Church Hill. (2003 Code, § 7-312)

## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Storage and sale restricted.
- 7-402. Use of fireworks restricted.
- 7-403. Special displays, permits required.
- 7-404. Penalty for violation.
- 7-405. Use by railroads.

**7-401. Storage and sale restricted.** It shall be unlawful for any person, firm, partnership, or corporation to store or sell in or to ship into the corporate limits of Church Hill any pyrotechnics common fireworks except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. Permissible fireworks may only be sold on a seasonal basis from June 20 through July 5, and from December 10 through January 2. No fireworks may be sold between the hours of 11:00 P.M. and 8:00 A.M., Monday through Sunday, or from 8:00 A.M. to 1:00 P.M., Sunday. (as added by Ord. #11-450, Nov. 2011)

**7-402. Use of fireworks restricted.** It shall be unlawful for any person to fire, set off, shoot, or discharge, or otherwise explode any fireworks within the corporate limits of Church Hill, except that it is permissible for persons to fire, set off, shoot, discharge, or otherwise explode fireworks at their residences providing that:

- (1) The igniting and final firing or exploding is done within the property lines for the person doing the firing;
- (2) The fireworks may only be fired, set off, shot, discharged, or exploded on a seasonal basis from July 3 through July 5, and from December 24 through January 2.

Streets, roadways, and alleys maintained by the State of Tennessee or the City of Church Hill and sidewalks adjacent to the property from which fireworks are being exploded or fired are to be construed as outside the property lines of the person exploding fireworks, it being the intent of this chapter to prohibit the use of fireworks on all public streets, roadways, city parks, alleys, and sidewalks within the City of Church Hill.

- (3) No fireworks on any date shall be ignited, fired, or exploded between the hours of 11:00 P.M. and 8:00 A.M., Monday through Sunday, or from 8:00 A.M. to 1:00 P.M., Sunday. (as added by Ord. #11-450, Nov. 2011)

**7-403. Special displays, permits required.** Nothing in this chapter shall be construed as applying to the use of fireworks for public displays by holders of a permit for public display to be conducted in accordance with the

rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public displays only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of Interstate Commerce Commission as "Class B special fireworks" and shall not include such items of commercial fireworks such as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public display shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display issued by the state fire marshal. Applications for such permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of the City of Church Hill. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributors permit only. (as added by Ord. #11-450, Nov. 2011)

**7-404. Penalty for violation.** Any individual violating any provision of this chapter shall be guilty of a violation of the Church Hill Municipal Code, punishable by a fifty dollar (\$50.00) fine and other applicable court costs.

The Fire Chief of the City of Church Hill and any public safety officer is further authorized to seize any contraband and destroy fireworks which do not comply with the provisions defining allowable fireworks contained in this chapter pursuant to provisions of Tennessee Code Annotated, § 69-104-115. (as added by Ord. #11-450, Nov. 2011)

**7-405. Use by railroads.** Nothing contained herein shall be construed as prohibiting the railroads or other transportation agencies from the use of fireworks for signal purposes or illumination. (as added by Ord. #11-450, Nov. 2011)

**TITLE 8**

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

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. WINE.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

- 8-101. Definition of alcoholic beverages.
- 8-102. Consumption of alcoholic beverages on premises.
- 8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.
- 8-104. Annual privilege tax to be paid to the city recorder.
- 8-105. Certificate of good moral character.
- 8-106. Possession of open containers in motor vehicles and public places, etc., prohibited.
- 8-107. Alcoholic beverage restrictions on persons under twenty-one (21).

**8-101. Definition of alcoholic beverages.** As used in this chapter, unless the context indicates otherwise: Alcoholic beverages means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine or beer, where the latter contained an alcoholic content of five percent (5%) by weight, or less. (2003 Code, § 2-101, as replaced by Ord. #13-457, April 2013)

**8-102. Consumption of alcoholic beverages on premises.** Tennessee Code Annotated, title 57, chapter 4, inclusive, is hereby adopted so as to be applicable to all sales of alcoholic beverages for on premises consumption, which are regulated by the said code when such sales are conducted within the corporate limits of Church Hill, Tennessee. It is the intent of the board of mayor and aldermen that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Church Hill, Tennessee, the same as if said code sections were copied herein verbatim. (2003 Code, § 2-102, as replaced by Ord. #13-457, April 2013)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57.

**8-103. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.** Pursuant to the authority contained in Tennessee Code Annotated, § 57-4-301, there is hereby levied a privilege tax (in the same amounts levied by Tennessee Code Annotated, title 57, chapter 4, § 301, for the City of Church Hill General Fund to be paid annually as provided in this chapter) upon any person, firm, corporation, joint stock company, syndicate, or association engaging in the business of selling at retail in the City of Church Hill alcoholic beverages for consumption on the premises where sold. (2003 Code, § 2-104, as replaced by Ord. #13-457, April 2013)

**8-104. Annual privilege tax to be paid to the city recorder.** Any person, firm, corporation, joint stock company, syndicate or association exercising the privilege of selling alcoholic beverages for consumption on the premises in the City of Church Hill shall remit annually to the city recorder the appropriate tax described in § 8-103. Such payments shall be remitted not less than thirty (30) days following the end of each twelve (12) month period from the original date of the license. Upon the transfer of ownership of such business or the discontinuance of such business, said tax shall be filed within thirty (30) days following such event. Any person, firm, corporation, joint stock company, syndicate, or association failing to make payment of the appropriate tax when due shall be subject to the penalty provided by law. (as added by Ord. #13-457, April 2013)

**8-105. Certificate of good moral character.** Whenever an applicant for a license issued pursuant to Tennessee Code Annotated, title 57, chapter 4, is required by law to provide to the state alcoholic beverage commission a certificate of good moral character, the applicant shall apply, in writing to the alcoholic beverage board for a certificate of good moral character, to be executed by the mayor of the city. The alcoholic beverage board with the cooperation of the chief of police shall perform the necessary investigation to advise the mayor as to the moral character of the applicant. (as added by Ord. #13-457, April 2013)

**8-106. Possession of open containers in motor vehicles and public places, etc., prohibited.** It shall be unlawful for any person to possess open cans, bottles or containers of beer or intoxicating liquors in motor vehicles in the city or upon the public streets, sidewalks, or other public places not otherwise permitted by this chapter. (as added by Ord. #13-457, April 2013)

**8-107. Alcoholic beverage restrictions on persons under twenty-one (21).** It shall be unlawful for any person under twenty-one (21) years of age to purchase, possess, transport, or consume alcoholic beverages, wine, or beer, with the following exceptions:

Any person eighteen (18) years of age or older may transport, possess, sell, or dispense alcoholic beverages, wine, or beer in the course of his employment in accordance with municipal code § 8-224(c). (as added by Ord. #13-457, April 2013)

## 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. Sales, storage, manufacture, distribution as privilege.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
- 8-210. Beer permit shall be restrictive.
- 8-211. Permits for retail sale; types designated, multiple types prohibited.
- 8-212. Permit application.
- 8-213. Interference with public health, safety, and morals prohibited.
- 8-214. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-215. Compliance with zoning as permit prerequisite.
- 8-216. Separate permit required for each location.
- 8-217. Display of permit.
- 8-218. Transferability of permits.
- 8-219. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.
- 8-220. Restrictions on issuance of retail permits.
- 8-221. Disposition of application.
- 8-222. Number of retail permits limited.
- 8-223. Advertising signs.
- 8-224. Revocation or suspension of beer permits.
- 8-225. Loss of clerk's certification for sale to minor.
- 8-226. Inspection of premises permitted.
- 8-227. Violations.
- 8-228. Civil penalty in lieu of revocation or suspension.

**8-201. Beer board established.** There is hereby established a beer board to be composed of the mayor, one alderman to be appointed by the mayor,

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<sup>1</sup>State law reference

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

and three citizens from the municipality, preferably one from each ward, also to be appointed by the mayor, the director of public safety, and the city recorder. All members' terms shall run concurrently with the term of the mayor. The mayor shall preside at its meetings. The members shall serve without compensation. (2003 Code, § 2-201)

**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 following each regular meeting of the governing body at the city-county building whenever there is business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives a reasonable notice thereof to each board member, and the board may adjourn a meeting at any time to another time and place. (2003 Code, § 2-202)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a separate 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. (2003 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. (2003 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 the city in accordance with the provisions of this chapter. (2003 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; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. (Ord. #07-425, Sept. 2007)

**8-207. Sales, storage, manufacture, distribution as privilege.** The sale, storage, manufacture, and distribution of beer in the city is a privilege, and

the beverage board shall have complete discretion to issue, revoke, and suspend all permits or licenses to sell, store, manufacture or distribute beer in the city. (2003 Code, § 2-207)

**8-208. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a nonrefundable 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 Church Hill. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #07-425, Sept. 2007)

**8-209. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the City of Church Hill, 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. #07-425, Sept. 2007)

**8-210. Beer permit shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all expressed restrictions or conditions which may be written into his permit by the beer board. (2003 Code, § 2-209)

**8-211. Permits for retail sale; types designated, multiple types prohibited.** Permits for the retail sale of beer shall be of two types:

(1) On-premise permits. On-premise permits shall be issued for the consumption of beer on the premises.

(2) Off-premise permits. Off-premise permits shall be issued for the sale of both refrigerated and unrefrigerated beer to be consumed off the premises.

(3) No person shall be issued both types of permits for the same location.

(4) Only natural persons shall apply for, and, when, appropriate, be granted off-premise permits for retail sale of beer. If a corporation owns and operates a merchandising business, the principal office shall make applications for the permit. If a partnership or syndicate operates a merchandising establishment, the general partner in charge of the day-to-day business operations of the business shall make application for the beer permit. (2003 Code, § 2-210)

**8-212. Permit application.** A person desiring a beer permit required by the provisions of this chapter shall apply in writing to the board upon a form approved and prescribed by it. Such application shall contain the following:

(1) The name and residence of the applicant and the length of time the applicant has resided there;

(2) The particular place for which the permit is desired, designating the same by street and number, if practicable, and if not, by such other apt description;

(3) The type of permit desired;

(4) The name of the owner of the business premises;

(5) A statement that no person will be employed in the storage, sale, manufacture or distribution of such beverages except those who are citizens of the United States or aliens lawfully residing in the United States;

(6) A statement that the applicant will not engage in the sale, storage, manufacture or distribution of beer except at the place or places for which the license or permit is issued to such applicant, and that no sale, storage, manufacturing or distribution of such beverage will be made except in accordance with the permit or license granted;

(7) A statement that no sale will be made to persons under the age required by state law, that the applicant will not permit minor persons or disorderly or disreputable persons, or individuals heretofore connected with the violation of the liquor laws, to loiter around the place of business, and that no minors shall be employed in the direct sale, storage, manufacture or distribution of beer;

(8) A statement that the applicant has not had revoked any license or permit for the sale, storage, manufacture or distribution of beer;

(9) A statement that neither the applicant nor any person employed or to be employed by him in the distribution, storage, manufacture or sale of beer has ever been convicted of any violation of the liquor and beer laws or of any crime involving moral turpitude;

(10) A statement that the applicant will be conducting the daily business in person;

(11) A statement that no brewer, manufacturer, distributor or warehouseman of legalized beer has any interests in the business, or business premises;

(12) A statement that the applicant is willing to be fingerprinted by the police department of the City of Church Hill and to be investigated by municipal, county, state and federal law enforcement agencies;

(13) A statement by the applicant that he agrees to comply with all of the laws of the United States, the State of Tennessee and the Ordinances of the City of Church Hill;

(14) An oath or affidavit by the applicant that the facts represented in the application are true;

(15) Any application which does not contain affirmative responses to all representations requested therein shall not be considered by the beer board. (2003 Code, § 2-211, modified)

**8-213. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within one thousand two hundred (1,200) feet of any school, church or other place of public gathering. The distances shall be measured in a straight line from the nearest point on the property line upon which sits the building from which the beer will be manufactured, stored or sold to the nearest point on the property line of the school, church or other place of public gathering. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed or manufactured at that location during any continuous six (6) month period. (Ord. #07-425, Sept. 2007)

**8-214. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.** It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(2) Make or allow the sale of beer between the hours of 12:00 Midnight and 8:00 A.M. Monday thru Saturday and between the hours of 12:00 Midnight Saturday and 8:00 A.M. on Monday

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

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

- (5) Allow drunk persons to loiter about his premises.
- (6) 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.
- (7) Allow pool or billiard playing in the same room where beer is sold and/or consumed.
- (8) Fail to provide and maintain separate sanitary toilet facilities for men and women. (Ord. #07-425, Sept. 2007)

**8-215. Compliance with zoning as permit prerequisite.** No retail permit shall be issued to any person to sell beer from or at any place, premises or location which constitutes a nonconforming use under the zoning laws and ordinances of the city in effect at the time of application for such permit or license. (2003 Code, § 2-214)

**8-216. Separate permit required for each location.** A separate permit shall be obtained for each location at which and from which any applicant is to manufacture, store, distribute or sell beer. (2003 Code, § 2-215)

**8-217. Display of permit.** All permittees hereunder shall display and keep displayed their beer permits in a conspicuous place on the premises where they are licensed to conduct such business. (2003 Code, § 2-216)

**8-218. Transferability of permits.** Permits for the sale, storage, manufacture or distribution of beer hereunder shall not be transferable. (2003 Code, § 2-217)

**8-219. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.** (1) All distributors, wholesalers, warehousemen and manufacturers of beer shall be duly licensed under the law to do business in the state.

(2) All distributors, wholesalers, manufacturers and warehousemen of beer having a place of business within the city shall locate same in areas designated and zoned for manufacturing under the ordinances of the city.

(3) It shall be unlawful for any wholesaler, distributor, warehousemen or manufacturer of beer, or for any of their salesmen or representatives to sell or deliver beer en route, or from delivery vehicles, to any person or place other than holders of valid retail beer permits.

(4) It shall be the duty of such wholesaler, distributor, warehouseman or manufacturer, their salesmen or representatives to ascertain whether or not such person or place has been issued a valid retail beer permit by the city. (2003 Code, § 2-218)

**8-220. Restrictions on issuance of retail permits.** (1) Permits issued for the retail sale of beer for on-premises consumption of beer shall be limited to sale for consumption in and to be served to and consumed by members and guests in the rooms of a building designated and occupied by a regularly incorporated non-profit lodge or patriotic organization or to customers in an operating restaurant as defined in subsection (1)(b) below.

(a) Prior to applying for an on-premises beer permit, any lodge or patriotic organization requesting a permit shall have been in existence for at least one (1) year prior to its applying for the permit and shall have been granted a charter by the Secretary of State or by authority of an Act of Congress of the United States. The building used by said lodge or patriotic organization and must be owned or leased for a term of years by the organization.

(b) The owner or manager of any restaurant doing business, or intending to do business, within the corporate limits or the city, may apply for a permit for the on-premises retail sale and consumption of beer if the restaurant meets the following criteria:

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with an adequate and sanitary kitchen, with a separate dining room with suitable equipment and a seating capacity of at least fifty (50) people at tables or booths, and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its customers. At least two (2) meals per day shall be served on at least six days a week, with the exception of holidays, vacation, and periods of redecorating. The serving of such meals shall be the principal business conducted on the restaurant's premises. No signs advertising the sale of beer for on-premises consumption shall be erected or allowed on the restaurant premises.

(2) Off-premises permits may be issued only to bona fide merchants in the retail grocery business who have been conducting said grocery merchandising business on and from property zoned for business purposes in the City of Church Hill. "Bona-fide merchants" shall mean persons regularly operating and conducting a grocery merchandising business that is stocked with grocery items and merchandise and have been for at least one (1) year on-going concerns operating to serve the public on a regular basis, with regular established business hours of operation at some location within the State of Tennessee. Successor owners and operators of a grocery merchandising business may apply for a beer permit so long as the business has been operating for more than one (1) year at the same location under prior owners. The structure from which said merchants operate must be of a permanent wooden or brick construction.

(3) Each merchant applicant for a beer permit must exhibit to the beer board his proposed plans showing where beer will be stored and displayed. Area devoted to the sale of beer must not exceed twenty-five percent (25%) of the floor space and storage area used in the business.

(4) Those persons who have valid beer permits but who are not grocery merchants at the time of the passage of the ordinance comprising this chapter are exempted from the requirements of this section. All new applicants must conform to the requirements of this section unless they are purchasers of a continuing business whose owners are current beer permit holders. (2003 Code, § 2-219)

**8-221. Disposition of application.** Each application for a beer permit under this chapter shall be filed with the city recorder, and no final action shall be taken by the beer board until sixty (60) days after the filing of said application. (2003 Code, § 2-221)

**8-222. Number of retail permits limited.** The number of retail beer establishments for the City of Church Hill, Tennessee, shall be no more than ten (10) off-premises and five (5) on-premises establishments. There shall be no more than fifteen (15) permits issued and outstanding for the sale of beer at retail at any time. (2003 Code, § 2-222)

**8-223. Advertising signs.** It shall be unlawful for any person authorized to sell beer, either for on-premises consumption or off-premises use, to erect or maintain more than one advertising or display sign to be placed either inside or upon the outside of the building. Said sign may use the word "beer" or the name of any brand of beer. Said advertising or display sign shall not exceed four (4) inches in height and eighteen (18) inches in length. If on the outside of the building, the sign shall be placed parallel with the building. (2003 Code, § 2-223)

**8-224. Revocation or suspension of beer permits.** The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a

certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #07-425, Sept. 2007)

**8-225. Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #07-425, Sept. 2007)

**8-226. Inspection of premises permitted.** It shall be the duty of designated police officers of the City of Church Hill to inspect the place of business and premises of the holders of permits and licenses under this chapter. It shall be unlawful for any permittee to refuse to permit any such inspection during any such time that such place is open for business and refusal of inspection shall be grounds for revocation of permit. (2003 Code, § 2-226)

**8-227. Violations.** Except as provided in § 8-224, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provisions of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #07-425, Sept. 2007)

**8-228. Civil penalty in lieu of revocation or suspension.**

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or

permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. #07-425, Sept. 2007)

## CHAPTER 3

### WINE

#### SECTION

8-301. Inspection fee.

8-302. Wholesaler's retention.

8-303. Reporting period/frequency of payments.

8-304. Late payment penalty.

**8-301. Inspection fee.** There shall be imposed on each retail food store wine licensee located within the City of Church Hill an inspection fee of eight percent (8%) of the wholesale price of wine sold to aforesaid licensees, to be collected by the wholesalers from the retailer during distribution. (as added by Ord. #16-481, May 2016)

**8-302. Wholesaler's retention.** Each wholesaler referenced in § 8-301 shall be entitled to retain five percent (5%) of the amount collected for performing the collection. (as added by Ord. #16-481, May 2016)

**8-303. Reporting period/frequency of payments.** Each collection period shall be a full month, beginning with the 1st day of the month, and payments shall be remitted to the municipality by the 20th of the following month. (as added by Ord. #16-481, May 2016)

**8-304. Late payment penalty.** Pursuant to Tennessee Code Annotated, § 57-3-503(b), a penalty of ten percent (10%) is assessed for any payment made after the 20th of each month. (as added by Ord. #16-481, May 2016)

**TITLE 9**

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

**CHAPTER**

1. PEDDLERS, ETC.
2. GARAGE SALES AND FLEA MARKETS.

**CHAPTER 1**

**PEDDLERS, ETC.<sup>2</sup>**

**SECTION**

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Policemen to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

**9-101. 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. Only one (1) permit shall be issued per application.

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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.

<sup>2</sup>Municipal code references

Privilege taxes: title 5.

Group permits are prohibited. (2003 Code, § 5-101, as amended by Ord. #12-454, Jan. 2013)

**9-102. 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. (2003 Code, § 5-102)

**9-103. Application for permit.** Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (10) At the time of filing the application, a fee established by resolution of the board of mayor and aldermen shall be paid to the municipality to cover the cost of investigating the facts stated therein. (2003 Code, § 5-103)

**9-104. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the recorder

shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-106. The recorder shall keep a permanent record of all permits issued. (2003 Code, § 5-104)

**9-105. Appeal.** Any person aggrieved by the action of the chief of police and/or the recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. 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. (2003 Code, § 5-105)

**9-106. Bond.** Every permittee shall file with the recorder a surety bond running to the city in the amount of ten thousand dollars (\$10,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city 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 city 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 city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (2003 Code, § 5-106, as amended by Ord. #12-454, Jan. 2013)

**9-107. 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 radio or sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city 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. (2003 Code, § 5-107)

**9-108. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (2003 Code, § 5-108)

**9-109. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (2003 Code, § 5-109)

**9-110. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (2003 Code, § 5-110)

**9-111. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.
- (b) Any violation of this chapter.
- (c) Conviction of any crime or misdemeanor.
- (d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (2003 Code, § 5-111)

**9-112. 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. (2003 Code, § 5-112)

**9-113. 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. (2003 Code, § 5-113)

## CHAPTER 2

### GARAGE SALES AND FLEA MARKETS.

#### SECTION

9-201. Definitions.

9-202. Permit required.

9-203. Sale conditions.

9-204. Restrictions on garage sales and flea markets.

9-205. Inspection and penalty.

**9-201. Definitions.** For the purposes of this chapter, the following phrases are defined as follows:

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

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment, the sale of which at garage sales is expressly prohibited. (2003 Code, § 5-601)

**9-202. Permit required.** (1) It shall be unlawful for any individual or group of individuals to engage in any garage sale as defined above without having first obtained a permit therefore from the recorder for the City of Church Hill. The property owner desiring to conduct the garage sale shall apply on a form provided in person at the city offices by submitting an application at least one (1) day prior to the proposed garage sale. Each application shall be accompanied by a processing fee established by resolution of the board of mayor and alderman. A permit shall be posted in a conspicuous place during each garage sale.

(2) A governmental entity, church, school, veterans organization, fraternal organization, or other civil or charitable non-profit organization desiring to conduct a flea market sale or garage sale must obtain a permit but shall not be required to pay permit fee nor be subject to the restrictions set out in § 5-904 (2),(3) and (4). (2003 Code, § 5-602)

**9-203. Sale conditions.** (1) A garage sale shall be limited in time to no more than two (2) consecutive days and must begin and end during the daylight hours.

(2) No signs advertising the sale or giving directions to its location shall be used, erected, or allowed within the public rights-of-way. No more than two (2) signs shall be displayed in the yard of the sale. No more than three (3) signs giving directions shall be placed on private property leading to the location of the sale.

(3) The signs permitted by this section shall not be posted more than two (2) days prior to the sale and shall be removed by the end of the daylight on the last day of the garage sale.

(4) The parking of automobiles during the garage sale must conform with all parking rules and regulations of the city, must not block private driveways, must not impede traffic, and must not constitute trespass upon the property of other residents. (2003 Code, § 5-603)

**9-204. Restrictions on garage sales and flea markets.** (1) It shall be unlawful for any person to hold more than four (4) such sales at the same location within one (1) year preceding the date of such person's current sale.

(2) No garage sale, flea market operation, or peddling activities shall be conducted on property zoned for business, commercial, or industrial uses. It is the intent of this chapter to restrict garage sales, rummage sales, or flea market sales to the residential premises of the owner or occupier of property so as to minimize the annoyance to the public and yet enable a property owner to dispose of his own unwanted accumulated personal property.

(3) No tents, awnings, or other temporary structures shall be erected or placed on the property in connection with the garage sale.

(4) Flea market activities in which private individuals sell personal property from booths or stations on the property of another are declared to be illegal and a public nuisance. (2003 Code, § 5-604)

**9-205. Inspection and penalty.** (1) Any police officer of the city shall have the right of entry to any premises showing evidence of a garage sale for the purposes of enforcement or inspection and may close the sale and may issue a citation to any individual who is violating the provisions of this ordinance.

(2) Every individual article of personal property sold in violation of this chapter shall constitute a separate offense and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

(3) Any person convicted of violating the terms of this chapter shall be fined not less than ten (\$10.00) dollars and not more than fifty (\$50.00) dollars for each separate offense or violation.

(4) The conducting of a garage sale without obtaining a permit or the committing of a violation of the terms of this chapter during a garage sale shall constitute a nuisance which the city may abate by the filing of an appropriate

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complaint for injunctive relief in the Chancery Court or Circuit Court for Hawkins County. (2003 Code, § 5-605)

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.
3. ANIMAL CONTROL DEPARTMENT.

**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. Other restrictions on keeping.
- 10-105. Seizure and disposition of offending animals.
- 10-106. Abandonment.
- 10-107. Humane treatment of animals.
- 10-108. Interference with animal control officers prohibited.
- 10-109. Animals in public parks.

**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, hogs, mules, or 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. (2003 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within five hundred (500) feet of any residence, place of business or public street without a permit from the animal control officer of the city. The animal control officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (2003 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. (2003 Code, § 3-103)

**10-104. Other restrictions on keeping.** No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (2003 Code, § 3-104)

**10-105. Seizure and disposition of offending animals.** Any animal or fowl running at large or otherwise being kept in violation of this chapter may be seized by the animal control officer or any policeman and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he/she shall be given notice in person, by telephone, or by a postcard addressed to his/her last known mailing address. The animal or fowl may be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, the animal or fowl shall be kept for three (3) days and then humanely destroyed. (2003 Code, § 3-105)

**10-106. Abandonment.** No owner shall abandon any animal. "Abandonment" means leaving such animal for a period in excess of twenty-four (24) hours, without providing for food and water. No person shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found abandoned, such animal may be taken by an animal control officer or police officer and confined in a pound provided or designated by the board of mayor and aldermen. Such animal shall be kept for not less than three (3) days and then may be humanely destroyed. In the event that an animal is "abandoned," the owner or the person, if any, who has been charged with the animal's care, shall be subject to citation for violation of this section. (2003 Code, § 3-106)

**10-107. Humane treatment of animals.** (1) No person shall intentionally or knowingly:

- (a) Torture, maim, or grossly over-work an animal;
- (b) Fail to provide the minimum necessary food, water, care or shelter for an animal in that person's custody;
- (c) Transport or confine an animal in a cruel manner;
- (d) Inflict burns, cuts, lacerations, or other injuries or pain, by any method, on any animal;
- (e) Mutilate any animal whether dead or alive;
- (f) Place any poisonous substance which may be harmful to domestic animals, in any location where it may be readily found and eaten by such domestic animal; or
- (g) Permit any dog fight, cock fight, or other combat between animals.

(2) Any animal involved in a violation of any portion of this section may be confiscated by the animal control officer or police officer and held. Upon conviction of the owner of such domestic animals, any animal so confiscated shall become the property of the animal control department, and the owner of the animal shall pay to or reimburse the animal control department all veterinary fees associated with the medical treatment provided the animal while in custody. (2003 Code, § 3-107)

**10-108. Interference with animal control officers prohibited.**

(1) It shall be unlawful to assault, resist, oppose, impede, intimidate, or interfere with any animal control officer while such officer is engaged in the lawful performance of his official duties.

(2) It shall be unlawful to tamper with or relocate any equipment used by an animal control officer for the lawful performance of his duties.

(3) It shall be unlawful to provoke, tease, or release any animal captured by an animal control officer.

(4) Any person who aids, abets, counsels, commands, induces, or procures the commission of a violation of any provision of this title may be punished as a principal offender. (2003 Code, § 3-108)

**10-109. Animals in public parks.** (1) It shall be unlawful for any person to take with them, or allow to roam, unfettered, any dog, cat, horse, or other animal within the confines of a Church Hill city park.

Dogs, cats, horses, or other animals, including service animals necessary for the owner's mobility, shall be on a leash not to exceed eight feet (8') in length.

(2) Anyone who brings animals to, or controls animals outside of their residence premises, or within city parks shall be responsible for cleaning up, removing, and disposing of feces deposited by their pets on property owned by others including, but not limited to, city parks. (as added by Ord. #11-449, Nov. 2011)

## CHAPTER 2

### DOGS AND CATS

#### SECTION

10-201. Seizure and disposition of dogs and cats running at large.

10-202. Running at large prohibited.

10-203. Noisy dogs prohibited.

10-204. Rabies vaccination and registration required.

10-205. Dogs and cats to wear tags.

10-206. Vicious dogs or cats to be securely restrained.

10-207. Confinement of dogs and cats suspected of being rabid.

10-208. Dogs and cats in heat.

#### **10-201. Seizure and disposition of dogs and cats running at large.**

(1) Any dog or cat found running at large within the confines of the city may be seized by the animal control officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog or cat 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 or cat by paying a reasonable pound fee, to be fixed by the pound-keeper, or the dog or cat will be humanely destroyed or sold. If said dog or cat is not wearing a tag, it shall be humanely destroyed or sold unless legally claimed by the owner within three (3) days. No dog or cat shall be released in any event from the pound unless or until such dog or cat has been vaccinated and the tag placed on its collar.

(2) When because of its viciousness or apparent infection with rabies, a dog or cat found running at large cannot be safely impounded, it may be summarily destroyed by the animal control officer or any police officer. (2003 Code, § 3-201)

**10-202. Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog or cat owned by him or under his control to run at large within the corporate limits. (2003 Code, § 3-202)

**10-203. Noisy dogs prohibited.** No person shall own, keep, or harbor, any dog which by loud and frequent barking, whining, or howling, annoys or destroys the peace and quiet of any neighborhood. (2003 Code, § 3-203)

**10-204. Rabies vaccination and registration required.** Licenses and rabies vaccinations shall be required for each dog and cat four (4) months of age or older. License tags shall be firmly attached to a harness or collar worn by the animal. Animals kept temporarily (not in excess of thirty (30) days unless granted an extension by the animal control officer) for the purpose of breeding

or showing shall not require an individual license provided the owner has proof of a current rabies vaccination. (2003 Code, § 3-204)

**10-205. Dogs and cats to wear tags.** It shall be unlawful for any person to own, keep, or harbor a dog or cat which does not wear a tag evidencing the vaccination and registration required by the preceding section. (2003 Code, § 3-205)

**10-206. Vicious dogs or cats to be securely restrained.** It shall be unlawful for any person to own or keep any dog or cat known to be vicious or dangerous unless such dog or cat is so confined and/or likewise securely restrained as reasonable to provide for the protection of other persons and animals. (2003 Code, § 3-206)

**10-207. Confinement of dogs and cats suspected of being rabid.** If any dog or cat has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal control officer or chief of police shall require such dog or cat to be confined or isolated for such time as he reasonably deems necessary to determine if such dog or cat is rabid. (2003 Code, § 3-207)

**10-208. Dogs and cats in heat.** Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for a planned breeding. (2003 Code, § 3-208)

## CHAPTER 3

### ANIMAL CONTROL DEPARTMENT

#### SECTION

10-301. Department established.

10-302. Animal control officer.

10-303. Pound.

10-304. Reclaiming animals; citation.

10-305. Maintenance fee established.

**10-301. Department established.** There is hereby established a municipal animal control department to be staffed by individual(s) designated by the board of mayor and aldermen. (2003 Code, § 3-301)

**10-302. Animal control officer.** The animal control officer(s) is empowered to seize all animals running at large whose presence or activities are in violation of state law and/or municipal ordinances within the corporate limits of the City of Church Hill. (2003 Code, § 3-303)

**10-303. Pound.** All animals shall be kept and cared for at a location designated by the board of mayor and aldermen. Animals with known owners will be held five (5) days and animals with unknown owners will be held for three (3) days and then may be humanely destroyed. (2003 Code, § 3-304)

**10-304. Reclaiming animals; citation.** Any owner desiring to reclaim his or her animal must contact the animal control officer to make the necessary arrangements. Before the animal control officer or other designated employee releases any animal to its owner, he/she shall (1) require and receive written proof that the owner has received a municipal court citation, and (2) collect and receipt the accrued maintenance fee. Upon conviction the owner shall be required to pay the city fines and court costs for allowing the animal to run at large or violating any other applicable state law or city ordinance. (2003 Code, § 3-305)

**10-305. Maintenance fee established.** The maintenance fee shall be established by resolution of the board of mayor and aldermen as the necessity or advisability of same may from time to time require, which amount shall be used to defray the costs of operating the department. (2003 Code, § 3-306)

## TITLE 11

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

#### CHAPTER

1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. FORTUNE TELLING, ETC.
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.
9. GAMBLING.

#### CHAPTER 1

### MISDEMEANORS OF THE STATE ADOPTED

#### SECTION

11-101. Adoption of state traffic statutes.

**11-101. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the City of Church Hill adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-150, and §§ 55-8-152 through 55-8-180. Additionally, the City of Church Hill adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section.

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<sup>1</sup>Municipal code references

Animal control: title 10.

Housing and utility codes: title 12.

Traffic offenses: title 15.

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

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

11-201. Drinking beer, etc., on streets, etc.

11-202. Minors in beer places.

**11-201. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or 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 unless the place has an appropriate permit and/or license for on premises consumption. (2003 Code, § 10-229)

**11-202. Minors in beer places.** No person under the age of eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (2003 Code, § 10-222)

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<sup>1</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

**CHAPTER 3****FORTUNE TELLING, ETC.****SECTION**

11-301. Fortune telling, etc.

**11-301. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (2003 Code, § 10-234)

## 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. (2003 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 signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

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

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

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

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

(i) 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.

(j) 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.

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured

from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (2003 Code, § 10-233)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. False emergency alarms.

11-502. Resisting or interfering with city personnel.

**11-501. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (2003 Code, § 10-217)

**11-502. Resisting or interfering with city personnel.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (2003 Code, § 10-210)

## CHAPTER 6

### FIREARMS, WEAPONS AND MISSILES

#### SECTION

11-601. Air rifles, etc.

11-602. Weapons and firearms.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (2003 Code, § 10-213)

**11-602. Weapons and firearms.** (1) It shall be unlawful for any person to carry in any manner whatsoever, with the intent to go armed, any razor, dirk, knife, black-jack, brass knuckles, pistol, revolver, assault rifle whose import or manufacture is banned by any act of Congress, or any other dangerous weapon or instrument within the municipal limits of the City of Church Hill.

(2) The foregoing prohibitions shall not apply to members of the U. S. Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties. Nor shall this prohibition apply to persons who may have been summoned by such duly authorized law enforcement officer to assist in the discharge of his duties, nor to any conductor of any passenger or freight train authorized by law to go armed while he is on duty.

(3) It is unlawful and shall be a misdemeanor for any unauthorized person to discharge a firearm within the municipal limits of the city, provided, however, that recreational hunters shall be allowed to discharge shotguns at game during authorized hunting seasons on that portion of the Holston River which flows through the municipal limits and on immediately adjacent territory so long as said discharge is not in the vicinity of Laurel Run Park nor directed towards any residential subdivision which borders the Holston River.

(4) It shall be unlawful and a misdemeanor for any individual to discharge a hunting shotgun on private property during hunting activities without the express permission of the owner of the premises on which the individual is conducting his hunting activities.

(5) The discharge of any firearm within the city, other than the discharge of a shotgun, during a recognized hunting activity described in subsection (3), shall be unlawful and shall be a misdemeanor. (2003 Code, § 10-212)

## CHAPTER 7

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

11-701. Trespassing.

11-702. Trespassing on trains.

11-703. Interference with traffic.

**11-701. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (2003 Code, § 10-226)

**11-702. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (2003 Code, § 10-221)

**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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (2003 Code, § 10-232)

**CHAPTER 8****MISCELLANEOUS****SECTION**

- 11-801. Caves, wells, cisterns, etc.
- 11-802. Posting notices, etc.
- 11-803. Wearing masks.
- 11-804. Littering.
- 11-805. Unauthorized use of automobiles or other vehicles.
- 11-806. Failure to appear.
- 11-807. Disorderly conduct.
- 11-808. Improper use of skateboards, rollerblades, and bicycles on city property.

**11-801. 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. (2003 Code, § 10-231)

**11-802. Posting notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (2003 Code, § 10-227)

**11-803. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (2003 Code, § 10-235)

**11-804. Littering.** A person commits the offense of littering who:

- (1) Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it;
- (2) Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty (50) feet of a public highway;
- (3) Negligently discharges sewage, minerals, or products or litter into any public waters or lakes within the corporate limits.

(4) Permits any animal, dog, cat, or otherwise to defecate on the public property of the City of Church Hill or property of another without removing the animal's refuse immediately. (2003 Code, § 10-228, as amended by Ord. #07-428, Dec. 2007)

**11-805. Unauthorized use of automobiles or other vehicles.** It shall be unlawful for any person within the corporate limits to take, use, and operate another's automobile, airplane, motorcycle, bicycle, boat or other vehicle without the consent of the owner when the person does not have the intent to deprive the owner thereof. (2003 Code, § 10-237)

**11-806. Failure to appear.** Pursuant to the authority granted in Tennessee Code Annotated, § 7-63-107 and as referenced in Tennessee Code Annotated, § 7-63-104. It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person:

- (1) Has been lawfully issued a citation in lieu of arrest;
  - (2) Has been lawfully released from custody, with or without bail, on condition of subsequent appearance at an official proceeding at a specified time or place; or
  - (3) Knowingly goes in hiding to avoid prosecution or court appearance.
- (2003 Code, § 10-243)

**11-807. Disorderly conduct.** A person commits an offense who, in a public place and with intent to cause public annoyance or alarm:

- (1) Engages in fighting or in violent or in threatening behavior;
- (2) Refuses to obey an official order to disburse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (3) Creates a hazardous or physically offensive condition by an act that serves no legitimate purpose. (2003 Code, § 10-243)

**11-808. Improper use of skateboards, rollerblades, and bicycles on city property.** (1) It shall be unlawful to engage in skateboarding, roller skating, or roller blading in any city park except where specifically designated areas are provided by the City of Church Hill. All posted rules and regulations must be followed in any park or other city-owned property.

(2) The use of any type of motorized vehicle in any city park is specifically prohibited.

(3) The use of any bicycle or tricycle is prohibited within all city parks upon walking or running trails except where specifically allowed in Derrick Park.

(4) The formal rules of the operation of the skateboard park are incorporated by reference as if repeated verbatim herein. (2003 Code, § 10-249)

**CHAPTER 9****GAMBLING****SECTION**

11-901. Gambling.

11-902. Promotion of gambling.

**11-901. Gambling.** It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (2003 Code, § 10-215)

**11-902. Promotion of gambling.** It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (2003 Code, § 10-216)

**TITLE 12****BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. CODES GENERALLY.
2. BUILDING CODE.
3. EXISTING BUILDING CODE.
4. PLUMBING CODE.
5. RESIDENTIAL CODE.
6. ELECTRICAL CODE.
7. GAS CODE.
8. MECHANICAL CODE.
9. ENERGY CONSERVATION CODE.

**CHAPTER 1****CODES GENERALLY****SECTION**

- 12-101. Codes adopted.
- 12-102. Enforcement.
- 12-103. Board of adjustments and appeals.
- 12-104. Duties.

**12-101. Codes adopted.** The following codes are hereby adopted by reference as though they were copied herein fully:

- (1) International Building Code - 2006 Edition
- (2) International Existing Buildings Code - 2006 Edition
- (3) International Plumbing Code - 2006 Edition
- (4) International Residential Code - 2006 Edition
- (5) International Electrical Code - 2006 Edition
- (6) International Gas Code - 2006 Edition
- (7) International Mechanical Code - 2006 Edition
- (8) International Energy Conservation Code - 2006 Edition

(2003 Code, § 4-101, modified)

**12-102. Enforcement.** The city's building inspector or mayor shall be initially responsible for instituting all administrative or legal proceedings necessary to enforce the provisions of each code. (2003 Code, § 4-102, modified)

**12-103. Board of adjustments and appeals.** The membership of the housing board of adjustments and appeals, appointed by the mayor with the consent of the board of mayor and aldermen. (2003 Code, § 4-103, modified)

**12-104. Duties.** The membership of the housing board of adjustments and appeals, appointed by the mayor with the approval of the board of mayor and aldermen. (2003 Code, § 4-104, modified)

## CHAPTER 2

### BUILDING CODE<sup>1</sup>

#### SECTION

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

**12-201. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, the International Building Code,<sup>2</sup> 2006 edition, chapters 1 through 10, as prepared and adopted by the International Code Council is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the international building code.

**12-102. Modifications.** Whenever in the International Building Code when reference is made to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the international building code are concerned.

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

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<sup>1</sup>Municipal code references

Fire protection: 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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-104. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the international building code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 3

### EXISTING BUILDING CODE

#### SECTION

- 12-301. Existing building code adopted.
- 12-302. Available in recorder's office.
- 12-303. Violations.

**12-301. Existing building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of establishing minimum requirements for the repair, alteration, change of occupancy, addition and relocation of existing buildings, the International Existing Building Code,<sup>1</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the existing building code.

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

**12-303. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the International Existing Building 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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

## CHAPTER 4

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

#### SECTION

- 12-401. Plumbing code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations and penalty.

**12-401. 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 International Plumbing Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code.

**12-402. Modifications. 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 board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the mayor to administer and enforce the provisions of the plumbing code.

**12-403. Available in recorder'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 recorder'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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-404. Violations and penalty.** 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. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate penalty.

## CHAPTER 5

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

#### SECTION

12-501. Electrical code adopted.

12-502. Available in recorder's office.

12-503. Permit required for doing electrical work.

12-504. Violations and penalty.

**12-501. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems and equipment, or for other purposes, the International Electrical Code,<sup>2</sup> 2006 edition, as prepared by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code.

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

**12-503. 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.

**12-504. Violations and penalty.** 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. The violation of any section of this chapter shall be punishable by a penalty under the general

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 6

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

#### SECTION

12-601. Fuel gas code adopted.

12-602. Modifications.

12-603. Available in recorder's office.

12-604. Violations and penalty.

**12-601. Fuel gas code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 12-506, and for the purpose of establishing regulations for fuel gas systems and gas-fired appliances using prescriptive and performance-related provisions, the International Fuel Gas Code,<sup>2</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the fuel gas code.

**12-602. Modifications. Definitions.** Whenever in the fuel gas code when reference is made to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the fuel gas code are concerned.

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

**12-604. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the fuel gas code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

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

## CHAPTER 7

### RESIDENTIAL CODE

#### SECTION

12-701. Residential code adopted.

12-702. Available in recorder's office.

12-703. Violations and penalty.

**12-701. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-50 through 6-54-506, and for the purpose of providing building, plumbing, mechanical and electrical provisions, the International Residential Code,<sup>1</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the residential code.

**12-702. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-703. Violations and penalty.** It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

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

## CHAPTER 8

### MECHANICAL CODE

#### SECTION

- 12-801. Mechanical code adopted.
- 12-802. Available in recorder's office.
- 12-803. Violations.

**12-801. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-50 through 6-54-506, and for the purpose of establishing minimum regulations for mechanical systems using prescriptive and performance-related provisions, the International Mechanical Code,<sup>1</sup> 2006 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code.

**12-802. Available in recorder'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 recorder's office and shall be kept there for the use and inspection of the public.

**12-803. 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.

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

## CHAPTER 9

### ENERGY CONSERVATION CODE

#### SECTION

- 12-901. Energy conservation code adopted.
- 12-902. Modifications.
- 12-903. Available in recorder's office.
- 12-904. Violations and penalty.

**12-901. Energy conservation code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems to establish energy-efficient buildings using prescriptive and performance-related provisions which will make possible the use of new materials and innovative techniques that conserve energy, the 2000 International Energy Conservation Code,<sup>1</sup> with 2002 amendments as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

**12-902. Modifications.** Whenever the International Energy Conservation Code refers to the duties of a certain official named therein, that designated official of the City of Church Hill who has duties corresponding to those of the named official in the International Energy Conservation Code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Energy Conservation Code are concerned.

**12-903. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Energy Conservation Code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-904. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the International Energy Conservation Code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

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

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. AUTOMOBILE STORAGE, LITTER, DEBRIS.
3. AUTOMOBILE GRAVEYARDS.
4. SUBSTANDARD PROPERTIES.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Burning of refuse.  
 13-102. Property maintenance regulations.

**13-101. Burning of refuse.** It shall be unlawful for any person to burn refuse in such manner as to create a fire hazard or to constitute a nuisance because of dense smoke or obnoxious odors. (2003 Code, § 8-101)

**13-102. Property maintenance regulations.** (1) Every owner or tenant of property including public property, shall periodically cut the grass and other vegetation commonly recognized as weeds on such property. It shall be unlawful for any person to fail to comply with this section in the event such grass or vegetation exceeds twelve (12) inches in height.

(2) Every owner or tenant of property shall also keep said property in a clean and sanitary condition, free from accumulations of refuse or debris which might provide a harborage or breeding place for rodents, vermin, insects or snakes. It shall be unlawful for any person to fail to comply with this code section.

(3) In complying with the foregoing subsections, it shall be unlawful for any person, owning, leasing, occupying, or having control of property to rake, cut, or pile said weeds, grass, brush, cut trees, rubbish, or other accumulations of refuse or debris into any ditch or other natural drainage way or to place any of the above-mentioned on the property as to obstruct natural drainage thereon to create a traffic hazard or an unhealthy or unsanitary condition.

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<sup>1</sup>Municipal code references  
 Animal control: title 10.  
 Littering streets, etc.: § 16-107.

(4) When any property owner or tenant fails to comply with this or the above noted subsections, the city may do or have the work done to properly maintain said property and may charge the violator and/or the actual property owner with the reasonable costs thereof. The city may maintain any appropriate legal action to collect such costs in addition to any other remedy which may be available to it.

(5) Each separate day that the above-noted condition(s) exist on the subject property is a separate violation subject to a fine of up to fifty dollars (\$50.00). (2003 Code, § 8-102)

## CHAPTER 2

### AUTOMOBILE STORAGE, LITTER, DEBRIS

#### SECTION

- 13-201. Prohibited acts.
- 13-202. Vehicle salvage parts regulated.
- 13-203. Salvage vehicles to be stored.
- 13-204. Automobile storage lot permit.
- 13-205. Residential vehicle parking spaces required.
- 13-206. Storage on overgrown lot prohibited.
- 13-207. Penalties.
- 13-208. Civil action prescribed.

**13-201. Prohibited acts.** It shall be unlawful for the owner(s) or occupant(s) of real property within the municipal limits to allow litter, debris, trash, or discarded items of personal property to accumulate and remain on said property. Any items of personal property which are damaged, dilapidated, or which are lying or stacked about the property in a state of disarray shall be deemed to be discarded for the purposes of this chapter. All litter, trash, debris, and discarded items of personal property shall be placed by the property owner or occupant in secured refuse containers for prompt disposal. If the owner or occupant desires to retain possession of personal property items which would otherwise fall within the prohibitions of this chapter, he or she shall place the items within a permanent enclosed structure lawfully erected on the premises so as to shield such items from the view of the public. The provisions of this chapter are not intended to allow the operation of a motor vehicle repair shop on property not zoned for such a business operation. (2003 Code, § 8-301)

**13-202. Vehicle salvage parts regulated.** It shall be unlawful for the owner(s) or occupant(s) of real property to allow new or used motor vehicle parts, vehicle bodies, frames, or tires to be strewn around or upon said real property. Motor vehicle parts, damaged or salvaged vehicle bodies and frames, and tires of all kinds shall be contained, stored, or otherwise enclosed in a permanent structure lawfully erected on the premises so as to shield such items from the view of the public. Any use of motor vehicle parts on said premises must comply with all applicable municipal zoning and building regulations. (2003 Code, § 8-302)

**13-203. Salvage vehicles to be stored.** Individuals, commercial enterprises, and businesses which utilize, or otherwise lawfully maintain on their premises, damaged or salvaged miscellaneous motor vehicle parts and damaged or salvaged motor vehicle bodies shall store all such motor vehicle salvage material in a permanent enclosed structure on the premises or shall

enclose all such motor vehicle material within a fence which is at least six (6) feet in height which completely deprives the public of a view of such material. Stored motor vehicles which have less than all wheels and inflated tires supporting the vehicle or which are supported in any manner by jacks, blocks, or hoists shall be maintained in a permanent enclosed structure or within a fenced area as described herein. Access to the fenced in area shall be closed and locked when not otherwise physically occupied by said owner(s) or occupant(s). (2003 Code, § 8-303)

**13-204. Automobile storage lot permit.** The use of property within the corporate limits as a storage lot or parking grounds for infrequently operated, inoperable, untagged, or damaged motor vehicles is expressly forbidden unless the property owner or occupant obtains a special permit to utilize his premises as an automobile storage lot. A business which repairs automobiles shall not be required to obtain such a permit unless automobiles are stored or parked overnight on the premises. The permit shall be issued by the city's building inspector and shall specify the permissible parking arrangement of the vehicles upon the premises so as to assure access by municipal service and emergency vehicles to the parked vehicles and to the structures on the property. Businesses engaged in the repair of motor vehicles shall not park or allow the parking of their customers' inoperable vehicles upon the municipal rights of way adjacent to their premises. For the purposes of this chapter, "infrequently operated motor vehicle(s)" shall mean a motor vehicle which has not moved from its present place of parking for more than fourteen (14) consecutive days. For the purposes of this chapter, "inoperable motor vehicle(s)" includes any vehicle with a flat tire, any vehicle which will not start, or any vehicle incapable of being lawfully operated on the streets within the city. (2003 Code, § 8-304)

**13-205. Residential vehicle parking spaces required.** The owner(s) or occupant(s) or property zoned for residential use shall provide and utilize an identifiable, and improved parking area for all motor vehicles owned or operated by occupants or their guests which they park or store overnight on the property. Every motor vehicle which is inoperable or which is not tagged for use on the public highways of the state shall be stored or parked in a lawfully erected and enclosed structure or garage on the property or shall be completely screened from the view of adjoining property owners by a fence of at least six (6) feet in height. (2003 Code, § 8-305)

**13-206. Storage on overgrown lot prohibited.** The storage or extended parking (three (3) or more consecutive days without having been moved) of motor vehicles on property overgrown with weeds and other vegetation or allowing such storage is expressly prohibited. Property shall be deemed to be overgrown with weeds and vegetation when such growth is tall enough to touch, or does touch, any part of the body (bumper, side panels,

exhaust system, etc.) of the motor vehicle parked thereon. The parking of a motor vehicle overnight for three (3) consecutive nights or for three (3) nights in one week on any overgrown property shall constitute "storage" in violation of the terms of this chapter. (2003 Code, § 8-306)

**13-207. Penalties.** The penalty for violation of any provision of this chapter shall be a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day of violation of this chapter. Each day that the terms of this chapter is violated constitutes a separate offense. (2003 Code, § 8-307)

**13-208. Civil action prescribed.** In the event that an owner or occupant of property refuses or fails to comply with the written notice served upon him for more than ten (10) days after service of said notice, the city may institute an action in the chancery court to secure the enforcement of the provisions of this chapter and to require that the property owner or occupant take necessary and appropriate action to bring his property into compliance. (2003 Code, § 8-308)

## CHAPTER 3

### AUTOMOBILE GRAVEYARDS

#### SECTION

13-301. Definition of "automobile graveyard."

13-302. Permit required; issuance and revocation.

13-303. Appeals to board.

13-304. Requirements for "automobile graveyards."

13-305. Application to existing "automobile graveyards."

**13-301. Definition of "automobile graveyard."** For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which one (1) or more motor vehicles of any kind, incapable of being operated and which there is no current valid state vehicle registration tag. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only. (2003 Code, § 5-401)

**13-302. Permit required; issuance and revocation.** No person shall own or maintain any "automobile graveyard" within the city unless he shall receive a permit to do so from the recorder. The recorder shall issue such a permit to any applicant whose premises comply with the requirements of all applicable ordinances of the city and who has complied with Tennessee Code Annotated, title 54, chapter 20. Any permit so issued may be revoked by the recorder for failure to comply with any requirement of this chapter. However, charges may be preferred in writing by the recorder and served upon the permit holder and he shall be given the right to be heard as to why his license should not be revoked. (2003 Code, § 5-402)

**13-303. Appeals to board.** Any person aggrieved by the recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the board of mayor and aldermen, which shall hold a hearing and decide whether or not the recorder's action was reasonable. Based upon its findings at such hearing, the board of mayor and aldermen shall affirm or reverse the recorder's action. (2003 Code, § 5-403)

**13-304. Requirements for "automobile graveyards."** All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

(1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that

they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such "automobile graveyards" 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 fences to be so built that it will be impossible for stray cats and/or stray dogs to have access to such "automobile graveyards."

(3) Such "automobile graveyards" shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (2003 Code, § 5-404)

**13-305. Application to existing "automobile graveyards."** Any owner and/or operator of an "automobile graveyard" in existence at the time the provisions in this chapter become effective shall have thirty (30) days in which to get a permit or remove the offending vehicles. (2003 Code, § 5-405)

## CHAPTER 4

### SUBSTANDARD PROPERTIES

#### SECTION

- 13-401. Findings and declaration of policy.
- 13-402. Purpose.
- 13-403. Administration fees.
- 13-404. Care of premises.
- 13-405. Administration.
- 13-406. Applicability.
- 13-407. Controlling standards.
- 13-408. Compliance with other ordinances.
- 13-409. Dwellings unfit for human habitation.
- 13-410. Definitions.
- 13-411. Building inspector designated to act.
- 13-412. Institution of action and notification.
- 13-413. Determination of and further notice by building inspector.
- 13-414. Failure of owner to comply to vacate and repair.
- 13-415. Failure of owner to remove or demolish.
- 13-416. Creation of lien and payment into court.
- 13-417. Conditions rendering dwelling unfit for human habitation.
- 13-418. Service of complaints or orders.
- 13-419. Enjoining enforcement of order.
- 13-420. Powers given the building inspector.
- 13-421. Building inspector designated to act.
- 13-422. Institution of action and notification.
- 13-423. Failure of owner to comply.
- 13-424. Rules; hearings; and stay of enforcement.
- 13-425. Fines.

**13-401. Findings and declaration of policy.** It is hereby found and declared that there exist in the city structures in use which are, or may become in the future, substandard with respect to structural soundness, equipment or maintenance, or further that such conditions including but not limited to structural deterioration, lack of maintenance of exterior of premises, infestation, lack of essential heating or plumbing equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, or unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the city. It is further found and declared that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that if the same are not curtailed and removed, the aforesaid

conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. (2003 Code, § 4-701)

**13-402. Purpose.** The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators, and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this chapter; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. (2003 Code, § 4-702)

**13-403. Administration fees.** All owners or persons in possession, charge or control, of any place or premises on which a nuisance is created, accumulated or produced which must be abated by the city as a result of their failure or refusal to comply with an order of the building inspector, are liable for and shall pay an administration fee in addition to the cost of repair, alteration or improvement, or, vacating and closing, or, removal or demolition by the building inspector; which fee shall be set by resolution of the board of mayor and aldermen. (2003 Code, § 4-703)

**13-404. Care of premises.** Having adopted by reference the Standard Housing Code published by the Southern Building Code Congress, International, Inc., it shall hereby be unlawful, in conformance with said code, for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building inspector. (2003 Code, § 4-704)

**13-405. Administration.** All inspections, regulations, enforcement and hearings on violations of the provisions of this chapter shall be under the direction and supervision of the building inspector. The building inspector may

designate such other employees to perform duties as may be necessary to the enforcement of this chapter, including the making of inspections and holding of hearings. (2003 Code, § 4-705)

**13-406. Applicability.** Every residential, nonresidential or mixed occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy or use shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter shall also apply to mobile home parks. (2003 Code, § 4-706)

**13-407. Controlling standards.** In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinance or under the laws of the state, then the standards set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinance or of the laws of the state, then the higher standard shall prevail. (2003 Code, § 4-707)

**13-408. Compliance with other ordinances.** No provision herein shall relieve any owner, operator or occupant from complying with any other provision, nor relieve any inspector of the city from enforcing any other provision of the code of ordinances. (2003 Code, § 4-708)

**13-409. Dwellings unfit for human habitation.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., it is hereby found that there exist in the City of Church Hill, structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city. (2003 Code, § 4-709)

**13-410. Definitions.** The following terms wherever used herein or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;

(2) "Occupant" means any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

(3) "Owner" means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record.

(4) "Parties in interest" means all individuals, associations or corporations who have interests of record in a structure or parcel of land or have actual possession thereof.

(5) "Premises" means a lot, plot or parcel of land including any buildings or structures thereon.

(6) "Public officer" means the Building Inspector of the City of Church Hill.

(7) "Structure" means any dwelling or place of public accommodation. (2003 Code, § 4-710)

**13-411. Building inspector designated to act.** The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers herein prescribed. (2003 Code, § 4-711)

**13-412. Institution of action and notification.** Whenever a petition is filed with the building inspector by a public authority or by at least five (5) residents of the City of Church Hill charging that any structure is unfit for human occupation or use, or whenever it appears to the building inspector on his own motion that any structure is unfit for occupation or use, the building inspector shall, if, after making a preliminary investigation, such 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 building inspector (or his designated agent) at a time and place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and, that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector or his designated agent. As contained herein, "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 of Church Hill or the State of Tennessee relating to health, fire, building regulation, or other activities concerning structures in the City of Church Hill. (2003 Code, § 4-712)

**13-413. Determination of and further notice by building inspector.** If, after such notice and hearing as above prescribed, the building inspector determines that the structure under consideration is unfit for human

habitation or use, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration, or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure requiring the owner within the time specified in the order to repair, alter, or improve such structure to render it fit for human occupation or use or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the dwelling as a place of human habitation or use; or

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

(3) The building inspector shall determine the value of the structure in question existing on the land and the value of the land itself shall not be considered, and if the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than fifty percent (50%) of said value, the order referred to in the preceding paragraph shall conform to the first alternative. If an expenditure of more than fifty percent (50%) of the value just referred to would be necessary to make the structure properly habitable, the order in the preceding paragraph shall conform to the second alternative.

(4) Any repair, alteration or improvement instituted in compliance with this chapter shall be made in conformance with the then existing zoning and building codes. (2003 Code, § 4-713)

**13-414. Failure of owner to comply to vacate and repair.** If the owner fails to comply with the order under § 13-413(1), the building inspector may cause such structure to be repaired, altered or improved or be vacated and closed; and in such event the building inspector may cause to be posted on the main entrance of any structure so closed a placard with the following words: "This building is unfit for human occupation; the use or occupation of this building for human occupation or use is prohibited and unlawful." (2003 Code, § 4-714)

**13-415. Failure of owner to remove or demolish.** If the owner fails to comply with an order as set forth in § 13-413(2), the building inspector may cause such structure to be removed or demolished. (2003 Code, § 4-715)

**13-416. Creation of lien and payment into court.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the building inspector shall, upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien in favor of the city against the real property on which such cost

was incurred, second only to liens of the state, county and city for taxes, any lien of the city 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 city tax collector at the same time and in the same manner as property taxes are collected. If the structure is removed or demolished by the building inspector, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Church Hill to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (2003 Code, § 4-716)

**13-417. Conditions rendering dwelling unfit for human habitation.** In addition to other standards set forth in this chapter, the building inspector may determine that a structure is unfit for human occupation or use if he finds that conditions exist in such structure which are dangerous or injurious to the health or safety of the occupants of such structure, the occupants of neighboring structures or other residents of the city; such conditions may include the following but 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. (2003 Code, § 4-717)

**13-418. Service of complaints or orders.** Complaints or orders issued by the building inspector pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on 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 the county in which the structure is located and such filing of the complaint or order shall have the same force and effects as other lis pendens notices provided by law. (2003 Code, § 4-718)

**13-419. Enjoining enforcement of order.** (1) Any person affected by an order issued by the building inspector may file a bill in the chancery court for an injunction restraining the building inspector from carrying out the provisions

of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the building inspector pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the building inspector, such persons shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(2) The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the building inspector as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the building inspector shall be entitled to recover any damages for action taken pursuant to any order of the building inspector, or because of noncompliance by such person with any order of the building inspector. (2003 Code, § 4-719)

**13-420. Powers given the building inspector.** The building inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

(1) To investigate conditions in the city in order to determine which structures therein are unfit for human occupation or use.

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

(3) To enter upon premises for the purposes of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession. (2003 Code, § 4-720)

**13-421. Building inspector designated to act.** The building inspector is hereby designated as the public officer of the City of Church Hill who shall exercise the powers set out in this chapter. (2003 Code, § 4-721)

**13-422. Institution of action and notification.** Pursuant to Tennessee Code Annotated, § 6-54-113, if it is determined by the building inspector that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the building inspector shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The

notice shall be written in plain language and shall also include but not be limited to the following elements:

- (1) A brief statement of this chapter which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the city; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (2003 Code, § 4-722)

**13-423. Failure of owner to comply.** If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the building inspector shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien upon the property in favor of the city, 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 city tax collector at the same time and in the same manner as city 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.

Provided, however, if the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage, or other materials, the ten (10) day period of the first sentence of this section shall be twenty (20) days, excluding Saturdays, Sundays, and legal holidays. (2003 Code, § 4-723)

**13-424. Rules; hearings; and stay of enforcement.** (1) The board of mayor and aldermen may make rules and regulations necessary for the administration and enforcement of this chapter. The building inspector shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to § 13-422. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to § 13-422. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the building inspector under provisions of this chapter may seek judicial review of the order or act. The time period established in § 13-423 shall be stayed during the pendency of a hearing. (2003 Code, § 4-724)

**13-425. Fines.** That any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (2003 Code, § 4-726)

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

1. MUNICIPAL PLANNING COMMISSION.
2. SPECIALLY CALLED MEETINGS.
3. STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL.
4. ZONING ORDINANCE.
5. MOBILE HOME PARKS.
6. FLOODPLAIN REGULATIONS.
7. OFF-SITE DRAINAGE.
8. ILLICIT DISCHARGE AND CONNECTION CONTROL.

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

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

**14-101. Creation and membership.** Pursuant to the provision of the Tennessee Code Annotated, title 13, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the eight (8) remaining members shall be citizens appointed by the Mayor of the City of Church Hill. Two (2) members shall be citizens of Hawkins County appointed by the mayor who reside outside of Church Hill's corporate limits but within Church Hill's planning region. The term of the latter eight (8) appointive members shall be of three (3) years except that in the appointment of the first municipal planning commission, under the terms of this chapter, three (3) of said members shall be appointed for a term of three (3) years, three for a term of two (2) years, and two (2) for a term of one (1) year. Any vacancy in the appointive membership shall be filled for the unexpired term by the Mayor of the City of Church Hill. The terms of the mayor and the member from the board of mayor and aldermen shall run concurrently with their respective terms of office. (Ord. #07-427, Dec. 2007)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (2003 Code, § 11-102)

## CHAPTER 2

### SPECIALLY CALLED MEETINGS

#### SECTION

14-201. Bond required for specially called meeting.

14-202. Criteria for special meeting at owner's request.

**14-201. Bond required for specially called meeting.** Any owners of property within the municipal limits, or within the planning region of the Church Hill Regional Planning Commission, who request a special call meeting of the planning commission for the preliminary and/or final approval of any subdivision plans shall, at the time that the owner requests such specially called meeting, deposit with the recorder's office a cash bond in the sum of one hundred dollars (\$100.00) to defray all expenses associated with the calling and holding of such special meeting. (2003 Code, § 11-201)

**14-202. Criteria for special meeting at owner's request.** After the owner who requests the specially called meeting has posted the necessary cash bond, the planning commission shall determine, by a majority vote, whether it is necessary and proper that a special meeting is to be held in order to accommodate the landowner who requests approval of subdivision plans. Specially called meetings of the Church Hill Regional Planning Commission shall be held only at the discretion of the planning commission itself and only under such circumstances as would prevent extreme hardship on the applicant property owner. In exercising its discretion, the planning commission should also take into consideration the reason or reasons given for the landowner's failure to appear with the necessary plats and plans to request approval at the commission's regular monthly meeting. If the planning commission determines by a majority of the vote that a specially called meeting is necessary and proper to avoid undue hardship upon the applicant property owner then the specially called meeting shall be set on a date convenient with a majority of the planning commission members. Specially called meetings of the Church Hill Regional Planning Commission shall consider only the business which was the basis of the special request. (2003 Code, § 11-202)

### CHAPTER 3

#### STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL

##### SECTION

- 14-301. Short title.
- 14-302. General provisions.
- 14-303. Definitions.
- 14-304. Waivers.
- 14-305. Stormwater system design: construction and permanent stormwater management.
- 14-306. Permanent stormwater management: operation, maintenance, and inspection.
- 14-307. Existing locations and ongoing developments.
- 14-308. Illicit discharges.
- 14-309. Enforcement.
- 14-310. Penalties.
- 14-311. Appeals.
- 14-312 - 14-331. Deleted.

**14-301. Short title.** This chapter shall be known as the "Stormwater Management, Erosion and Sedimentation Control Ordinance of the City of Church Hill, Tennessee." (2003 Code, § 11-301, as replaced by Ord. #15-471, March 2015)

**14-302. General provisions.** (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city;

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of

stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The city's stormwater manager shall administer the provisions of this chapter.

(3) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (2003 Code, § 11-302, as replaced by Ord. #15-471, March 2015)

**14-303. Definitions.** For the purpose of this chapter, the following definitions shall apply: words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) and not more than five thousand

dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(2) "As built plans" means drawings depicting conditions as they were actually constructed.

(3) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge or pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(4) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(6) "Buffer zone requirements." (a) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty feet (30') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of buffer zone is more than fifteen feet (15') at any measured location. Buffer zone requirements for discharges into impaired or high quality waters. A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five feet (25') at any measured location.

(b) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other

waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(8) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(9) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=tn](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn). Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(11) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(12) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(13) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(14) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(15) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on Standard Industrial Classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;
- (h) Facilities that generate or store hazardous waste materials;
- (i) Commercial container nursery;
- (j) Restaurants and food service facilities;
- (k) Other land uses and activities as designated by an appropriate review authority.

(16) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(17) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 14-507(2).

(18) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(19) "Inspector" an inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- (b) Update field SWPPPs;
- (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(20) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(21) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(22) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(23) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(24) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(25) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(26) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(27) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(28) "Person" means 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.

(29) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(30) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(31) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(32) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation .

(33) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(34) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(35) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(36) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(37) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(38) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(39) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(40) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(41) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(42) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(43) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(44) "Water quality buffer" see "buffer."

(45) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(46) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(47) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(48) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(49) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under nonnal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, chapter 1200-4-3-.04(3)). (2003 Code, § 11-304, as replaced by Ord. #15-471, March 2015)

**14-304. Waivers.** (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the stormwater manager that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Grading permit not to be issued where alternatives requested. No grading permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (2003 Code, § 11-304, as replaced by Ord. #15-471, March 2015)

**14-305. Stormwater system design: construction and permanent stormwater management.** (1) MS4 Stormwater design or BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) The Nashville-Davidson County Metro Stormwater Management Manual (BEST MANAGEMENT PRACTICES (BMP) MANUAL - Volume 4), most current edition.

(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The city's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and

maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the stormwater manager, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) Land development. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria:

- (a) One (1) acre or more;
  - (i) New development that involves land development activities of one (1) acre or more;
  - (ii) Redevelopment that involves other land development activity of one (1) acre or more;
- (b) Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain authorization under this ordinance if:
  - (i) The stormwater manager has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
  - (ii) The stormwater manager has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;
  - (iii) Changes in state or federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;
  - (iv) Any new development or redevelopment, regardless of size, that is defined by the stormwater manager to be a hotspot land use; or
  - (v) Minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, even multiple, that is part of a separate and distinct land development activity that may take place at different times on different schedules.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a

Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

(3) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice Of Termination (NOT) to the stormwater manager. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer web site.

Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(4) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (7) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(5) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the MS4 BMP manual, and shall include at least the following:

- (a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.
- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil,

sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(6) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;

(ii) Brownfield redevelopment;

(iii) High density (>7 units per acre);

(iv) Vertical density, (Floor to Area Ratio (FAR) of two (2) or >18 units per acre); and

(v) Mixed use and transit oriented development (within 1/2 mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the stormwater manager may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the stormwater manager. The stormwater manager shall identify priority areas within the watershed in which mitigation projects can be completed. The stormwater manager must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the stormwater manager to determine if they are subject to additional stormwater design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(7) Minimum volume control requirements. (Note: the volume control requirements are by the MS4 and not the TDEC MS4 Permit) in accordance with 14-501(1)(c)(iii) the MS4 may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the stormwater manager may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the stormwater manager to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

- (i) A description of the design storm frequency, duration, and intensity where applicable;
- (ii) Time of concentration;
- (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (iv) Peak runoff rates and total runoff volumes for each watershed area;
- (v) Infiltration rates, where applicable;
- (vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
- (vii) Flow velocities;
- (viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and
- (ix) Documentation of sources for all computation methods and field test results.

(e) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(9) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. (2003 Code, § 11-305, as replaced by Ord. #15-471, March 2015)

**14-306. Permanent stormwater management: operation, maintenance, and inspection.** (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be scaled by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to re-vegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will

be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party, and shall include an administrative/overhead charge of no less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) for each incident. (2003 Code, § 11-306, as replaced by Ord. #15-471, March 2015)

**14-307. Existing locations and ongoing developments.** (1) On-site stormwater management facilities maintenance agreement:

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the stormwater manager. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the stormwater manager.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the stormwater manager shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the stormwater manager's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The stormwater manager shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections;

inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The stormwater manager may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

(vi) Photographic documentation of BMPs, and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The stormwater manager may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at

which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 14-505(2)(c)(i), (ii), (iii) and on a schedule acceptable to the stormwater manager.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the stormwater manager be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

- (i) Ponds
  - (A) Detention pond
  - (B) Extended detention pond
  - (C) Wet pond
  - (D) Alternative storage measures
- (ii) Constructed wetlands
- (iii) Infiltration systems
  - (A) Infiltration/percolation trench
  - (B) Infiltration basin
  - (C) Drainage (recharge) well
  - (D) Porous pavement
- (iv) Filtering systems
  - (A) Catch basin inserts/media filter
  - (B) Sand filter
  - (C) Filter/absorption bed
  - (D) Filter and buffer strips
- (v) Open channel
  - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater manager under this section are subject to appeal under § 14-510 of this chapter. (2003 Code, § 11-307, as replaced by Ord. #15-471, March 2015)

**14-308. Illicit discharges.** (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from

stormwater facility that is not inspected in accordance with § 14-506 which shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
  - (i) Water line flushing or other potable water sources;
  - (ii) Landscape irrigation or lawn watering with potable water;
  - (iii) Diverted stream flows;
  - (iv) Rising ground water;
  - (v) Groundwater infiltration to storm drains;
  - (vi) Pumped groundwater;
  - (vii) Foundation or footing drains;
  - (viii) Crawl space pumps;
  - (ix) Air conditioning condensation;
  - (x) Springs;
  - (xi) Non-commercial washing of vehicles;
  - (xii) Natural riparian habitat or wetland flows;
  - (xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine);
  - (xiv) Firefighting activities;
  - (xv) Any other uncontaminated water source.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (c) Dye testing if the city has so specified in writing.
- (d) Discharges authorized by the Construction General Permit (CGP), which comply with § 3.5.9 of the same:
  - (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
  - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
  - (iii) Water used to control dust in accordance with CGP § 3.5.5;
  - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;

- (v) Routine external building washdown that does not use detergents or other chemicals;
- (vi) Uncontaminated groundwater or spring water; and
- (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. (2003 Code, § 11-308, as replaced by Ord. #15-471, March 2015)

**14-309. Enforcement.** (1) Enforcement authority. The stormwater manager shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures. The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the stormwater manager finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the stormwater manager may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the stormwater manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The stormwater manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken

by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The stormwater manager may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the stormwater manager finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the stormwater manager finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the stormwater manager may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The stormwater manager may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the stormwater manager may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) **Conflicting standards.** Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail. (2003 Code, § 11-309, as replaced by Ord. #15-471, March 2015)

**14-310. Penalties.** (1) **Violations.** Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the stormwater manager, shall be guilty of a civil offense.

(2) **Penalties.** Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the stormwater manager of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) **Measuring civil penalties.** In assessing a civil penalty, the stormwater manager may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the city;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) **Recovery of damages and costs.** In addition to the civil penalty in subsection (2) above, the city may recover:

- (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
- (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) **Referral to TDEC.** Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2)

follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;
- (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
- (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (2003 Code, § 11-310, as replaced by Ord. #15-471, March 2015)

**14-311. Appeals.** Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's governing body. Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (2003 Code, § 11-311, as replaced by Ord. #15-471, March 2015)

**14-312. – 14-331. [Deleted.]** (as deleted by Ord. #15-471, March 2015 2003 Code, § 11-312)

## CHAPTER 4

### ZONING ORDINANCE

#### SECTION

- 14-401. Short title.
- 14-402. Purpose.
- 14-403. Definitions of terms used in ordinance.
- 14-404. Classification of districts.
- 14-405. Application of regulations.
- 14-406. General provisions.
- 14-407. Provisions governing use districts.
- 14-408. Minimum lot sizes for (R-1) through (R-5).
- 14-409. Exceptions and modifications.
- 14-410. Enforcement.
- 14-411. Board of zoning appeals.
- 14-412. Amendment.

**14-401. Short title.** This ordinance shall be known as the "Zoning Ordinance of Church Hill, Tennessee," and the map herein referred to, which is identified by the title, "Church Hill, Tennessee Zoning Map" and dated May 1982 shall be known as the "Zoning Map of Church Hill, Tennessee." The Zoning Map of Church Hill, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this chapter. (2003 Code, § 11-401)

**14-402. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (2003 Code, § 11-402)

**14-403. Definitions of terms used in ordinance.** Except as specifically defined herein, all words used in the ordinance have their customary dictionary definition. For the purpose of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense. Words used in the singular number include the plural, and words in the plural include the singular. The word "person" includes a firm,

co-partnership, company, organization, trust, association, corporation, as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be determined to include "intended," as in arranged or designed to be used or occupied.

(1) "Access." The right to cross between public and private property, thus allowing pedestrians and vehicles to enter and leave property.

(2) "Accessory use or accessory structure." A use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.

(3) "Adult-oriented establishments." Establishments that cater to an exclusively or predominantly adult clientele and which feature sexually explicit products and/or entertainment. Examples of such establishments includes but are not limited to: adult book stores, adult theaters, adult motion picture theaters, adult cabarets and other enterprises that regularly feature materials, acts, or displays involving male or female nudity and/or sexually oriented activities.

(a) "Adult book store." Any establishment having more than fifty percent (50%) of the face value of its stock in trade: books, magazines, motion pictures, periodicals, and/or other materials which are distinguished or characterized by depicting, describing, or relating to male or female nudity and/or sexually oriented activities.

(b) "Adult cabaret." Any restaurant, bar, dance hall, nightclub or other such place, which features male or female dancers, strippers, or similar entertainers for the entertainment of a predominantly adult clientele.

(c) "Adult motion picture theater." Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to male or female nudity and/or sexually oriented activities for observation by patrons therein.

(d) "Adult theater." Any theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances characterized by male or female nudity and/or sexually oriented activities.

(4) "Alley." A public or private way that provides only a secondary means of access to property.

(5) "Apartment." A form of multi-family housing which is "attached" and which contains three (3) or more dwelling units for lease.

(6) "Automobile wrecking yard." Commonly referred to as a "junk yard," it is a premises used for the storage or sale of five (5) or more inoperative used automobiles (to include trucks, buses, trailers, and vehicular machinery)

and parts of same, or for the storage, dismantling, or abandonment of junk, obsolete automobiles or parts thereof.

(7) "Bed and breakfast inn." A residential unit in which up to four (4) guest rooms are available for overnight accommodation and breakfast for registered guests is provided.

(8) "Berm." A mounded or raised area of soil or other material used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.

(9) "Buffer strip." Plant material, to include trees, shrubs, and/or grasses, of such growth characteristics as will provide an obscuring screen not less than ten (10) feet in width and not less than six (6) feet in height when planted. The planning commission may approve the use of other materials to provide a buffer strip if the situation warrants.

(10) "Building." Any built structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

(a) "Building, accessory." A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

(b) "Building, principal." A building in which the primary use of the lot on which the building is located is conducted.

(11) "Building height." The vertical distance measured from the finished grade at the building line to the highest point of the roof.

(12) "Building official." Also commonly referred to as the "building inspector," the officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.

(13) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided herein.

(a) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

(b) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a lot. The rear building setback line extends the full width of the lot. The rear building setback line may differ for the principal building and any accessory building.

(c) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side building setback line extends from the front building setback line to the rear building setback line. The side building setback line may differ for the principal building and any accessory building.

(14) "Clinic." A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

(15) "Club." A building or facility owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

(16) "Cluster development." A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(17) "Conditional use." A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

(18) "Condominium." A multi-unit development offering individual ownership of said units.

(19) "Day care center." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of eight (8) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. The term "day care center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluded are schools graded 1 - 12 and kindergartens operated by governmental units or by religious organizations).

(a) "Day care center, adult." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over eighteen (18) years of age for less than twenty-four (24) hours per day. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disability, emotional impairment, or frailty resulting from advanced age.

(20) "Dental clinic." A facility for the examination and treatment of patients for oral health on an out-patient basis.

(21) "Dwelling unit." One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate toilets and facilities for cooking and sleeping.

(22) "Dwelling, single-family." A building designed, constructed, and used for one (1) dwelling unit.

(23) "Dwelling, two-family or duplex." A building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.

(24) "Dwelling, multi-family." A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

(25) "Family." An individual, or two (2) or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as a single housekeeping unit. Expressly excluded from this definition are lodgers or tenants.

(26) "Funeral home." A building or part thereof used primarily for human funeral services. Such buildings may contain space and facilities for:

- (a) Embalming and performance of other services used in the preparation of the dead for burial;
- (b) Facilities for cremation; and
- (c) Storage of funeral caskets and funeral urns, and other related funeral supplies.

(27) "Farming." This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, forests and woods, provided however, all health codes of Church Hill and Hawkins County are complied with.

(28) "Home occupation." An occupation for gain or support which is customarily conducted within the home, which is incidental to the use of the building as a dwelling unit, which employs not more than two persons who are not residents of the premises, and which occupies not more than thirty percent (30%) of the area of the ground floor of the dwelling unit.

(29) "Lot." A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

(a) "Lot, corner." A lot abutting two (2) or more streets, exclusive of alleys, at their intersection.

(30) "Lot area." The total horizontal area within the lot lines of a lot, exclusive of street rights-of-way and easements of access to other property.

(31) "Lot line." The property line bounding a lot.

(a) "Lot line, front." The lot line separating the lot from the street that provides access to the lot.

(b) "Lot line, rear." The lot line which is opposite and most distant from the front lot line.

(c) "Lot line, side." Any lot line not a front or rear lot line.

(32) "Lot of record." A lot, the boundaries of which are filed as legal record.

(33) "Lot width." The width of a lot at the required front building setback line.

(34) "Manufactured home." Commonly called a "mobile home," manufactured home is a single- or multi-sectional unit which is built on a permanent chassis and designed for use with or without a permanent

foundation when connected to the required utilities. The plumbing, heating, air conditioning, and electrical systems are complete. A manufactured home can be transported in one or more sections, and in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length. When erected on site the structure contains at least three hundred twenty (320) square feet. It is constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal.

(35) "Manufactured home park." Commonly called a "mobile home park." Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the land owner.

(36) "Manufactured home space." A leased area within a manufactured home park which is developed to contain one (1) manufactured home and its associated parking, patios, decks, utilities, landscaping, and private recreation area.

(37) "Manufactured home subdivision." A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.

(38) "Medical clinic." A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Church Hill Zoning Ordinance.

(39) "Methadone treatment clinic or facility." A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Church Hill Zoning Ordinance.

(40) "Modular home." A home constructed in a factory, like manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal.

(41) "Nonconforming use." A building, structure, or use of land lawfully existing at the time of enactment of this ordinance or any amendment thereto, which does not conform to the requirements of the zone in which it is located.

(42) "Off-street parking." A parking space provided in a parking lot, parking structure, or private driveway.

(43) "Planned unit development." A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings open spaces, and other site features and improvements.

(44) "Principal use." The primary use of a property, which is permitted under the zoning regulations which apply to the district in which the use is located.

(45) "Recreational vehicle." A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(46) "Recycling center." A building in which recoverable resource materials are separated and processed prior to shipment to others who will use those materials to manufacture new products.

(47) "Recycling collection point." An incidental use that serves as a neighborhood or regional drop-off point for recoverable resources, located either in a container or small structure. This facility would generally be located in a shopping center parking lot or in other public/semi-public areas.

(48) "Repair garage." A building in which motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.

(49) "Right-of-way." An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

(50) "Self-service storage facility." Commonly referred to as "mini-warehouses," a building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and wares.

(51) "Service station." Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and major body work are conducted.

(52) "Shopping center." A grouping of retail business and service uses on a single site with common parking facilities.

(53) "Sign." A structure or device designed or intended to convey information to the public in written or pictorial form.

(a) "Sign, awning (canopy or marquee)." A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

(b) "Sign, billboard." A sign or structure directing attention to a business, product, service, message, or entertainment which is not conducted, sold, or offered on the premises where the sign is located, or is a minor and incidental activity upon the premises where the sign is located. A billboard is deemed to constitute a principal structure or use.

(c) "Sign, business." A sign which advertises the name, logo, slogan, prices, products, or services offered by the business or activity on the premises.

(d) "Sign, free-standing." A sign supported by one or more upright poles, columns or graces places in or on the ground and not attached to any building or structure.

(e) "Sign, government." Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of, direction to, or announcement of activities at any public property or facility.

(f) "Sign, illuminated." A sign illuminated in any manner by an artificial light source.

(g) "Sign, off-premise." (See Sign, Billboard).

(h) "Sign, portable." A sign that is not permanently affixed to a building, other unmovable structure, or to the ground.

(i) "Sign, roof." Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.

(j) "Sign, temporary." A sign intended for use for only a limited period of time.

(k) "Sign, wall." A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

(l) "Sign, window." A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

(54) "Sign area." The area of a sign shall be the area of the smallest rectangle that encloses the sign and its frame, if any. For a two-sided sign, only the area of a single side shall be considered, or if the two sides are of different size, the area of the larger shall be considered.

(55) "Site plan." A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

(56) "Street." A public or private thoroughfare used, or intended to be used, for vehicular traffic.

(a) "Street, arterial." A street that provides for traffic movement between areas and across portions of the city and, secondarily, for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.

(b) "Street, collector." A street that provides for traffic movement within areas of the city and between the arterial streets and the local streets for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.

(c) "Street, local." A street that has the sole purpose of providing frontage for service and access to private lots in the city.

(57) "Structure." Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

(58) "Substance abuse treatment facility." A licensed facility with purpose of providing out-patient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per the Church Hill Zoning Ordinance.

(59) "Total floor area." The sum of the areas of all floors of a building including finished attic, finished basement, and covered porches.

(60) "Tower." Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

(61) "Townhouse." A single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having open space for light, air, and access in the front and rear.

(62) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is occupied or maintained.

(63) "Variance." A relaxation of the terms of the zoning ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and/or undue hardship.

(64) "Yard." An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

(a) "Yard, front." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

(b) "Yard, rear." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

(c) "Yard, side." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches. (2003 Code, § 11-403, as amended by Ord. #09-434, April 2009, and Ord. #11-446, July 2011)

**14-404. Classification of districts.** (1) Classification of districts. For the purpose of this chapter Church Hill, Tennessee is hereby divided into ten (10) districts, designated as follows:

- R-1 - Low density residential district
- R-2 - Medium density residential district
- R-3 - Medium density residential district
- R-4 - High density residential district
- R-5 - Mobile home park district
- B-1 - Neighborhood business district
- B-2 - Central business district
- B-3 - Arterial business district
- B-4 - Shopping center district
- M-1 - Industrial district

(2) Boundaries of districts. (a) The boundaries of districts in subsection (1) of this section are hereby established, as shown on the map entitled "Zoning Map of Church Hill, Tennessee," dated April 1980, as amended, which is part of this chapter and which is on file in the office of the city recorder.\*

- \*Zoning Map amended by Ord. # 278, 06-20-95.
- Zoning Map amended by Ord. # 283, 08-15-95.
- Zoning Map amended by Ord. # 286, 09-19-95.
- Zoning Map amended by Ord. # 291, 03-14-96.
- Zoning Map amended by Ord. # 294, 06-18-96.
- Zoning Map amended by Ord. # 296, 08-01-96.
- Zoning Map amended by Ord. # 297, 09-17-96.
- Zoning Map amended by Ord. # 305, 08-01-96.
- Zoning Map amended by Ord. # 306, 08-01-96.
- Zoning Map amended by Ord. # 310, 08-01-96.
- Zoning Map amended by Ord. # 311, 09-17-96.
- Zoning Map amended by Ord. # 312, 08-01-96.
- Zoning Map amended by Ord. # 313, 06-18-96.
- Zoning Map amended by Ord. # 314, 08-01-96.
- Zoning Map amended by Ord. # 315, 08-01-96.
- Zoning Map amended by Ord. # 319, 06-16-98.
- Zoning Map amended by Ord. # 320, 11-07-98.
- Zoning Map amended by Ord. # 326, 01-08-99.
- Zoning Map amended by Ord. # 331, 08-17-99.
- Zoning Map amended by Ord. # 332, 08-17-99.
- Zoning Map amended by Ord. # 334, 09-21-99.
- Zoning Map amended by Ord. # 335, 09-21-99.
- Zoning Map amended by Ord. # 336, 10-19-99.
- Zoning Map amended by Ord. # 339, 02-15-00.
- Zoning Map Amended by Ord. # 361, 03-22-02.
- Zoning Map Amended by Ord. # 373, 01-21-03.
- Zoning Map Amended by Ord. # 376, 02-18-03.
- Zoning Map Amended by Ord. # 387, 07-15-03.
- Zoning Map Amended by Ord. # 391, 01-20-04.

Zoning Map Amended by Ord. # 398, 07-20-04.

Zoning Map Amended by Ord. # 404, 09-21-04.

Zoning Map Amended by Ord. # 405, 12-21-04.

Zoning Map Amended by Ord. # 412, 07-19-05.

Zoning Map Amended by Ord. # 07-423, 11-20-07.

(b) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this chapter. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

(c) Where a district boundary divides a lot, as existing at the time this chapter takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty-five (25) feet within the more restricted district. (2003 Code, § 11-404, as amended by Ord. #15-473, May 2015)

**14-405. Application of regulations.** (1) Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

(2) Street frontage. No dwelling shall be erected on a lot which does not abut an existing city street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of forty (40) feet if the lot is at least fifty (50) feet in width at the building line.

(3) Corner lots. The minimum width of a side yard along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.

(4) One principal building on a lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot.

(5) Reduction of lot size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this chapter shall not be maintained.

(6) Yard and other spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building.

(7) Conformity to subdivision regulations. No building permit shall be issued for nor shall any building be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Church Hill Regional Planning Commission.

(8) Height and density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

(9) Annexations. All territory which may hereafter be annexed to the City of Church Hill, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

(10) Private subdivision restrictions. No municipal regulation or provision of this zoning ordinance is intended to abrogate or supersede any more stringent conditions which may be contained in any valid deeds or contracts pertaining to private subdivision developments or which may be set out in private restrictive covenants regarding the use of property and the size and location of buildings thereon within the municipal limits. The standards set out in this zoning ordinance are considered minimum standards for the entire municipality. Private individuals are free to contract between themselves for more restrictive conditions on their private property so long as they also comply with the provisions of this chapter and all other applicable municipal ordinances. (2003 Code, § 11-405)

**14-406. General provisions.** (1) Continuance of nonconforming uses. Any lawful use of any building or land existing at the time of the enactment of this chapter or wherever a district is changed by an amendment thereafter may be continued although such use does not conform with provisions of this chapter with the following limitations:

(a) No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this chapter for the district in which it is located, provided, however, that nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this chapter; industrial, commercial, or other business establishments shall conform with provisions established in Tennessee Code Annotated, § 13-7-208.

(b) Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five percent (75%) of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this chapter.

(c) When a nonconforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established or changed to any use not in conformity with the provisions of this chapter.

(d) All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a

plant or factory shall be required to conform to the provisions of this chapter upon official notification by the building inspector.

(2) Off street automobile parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred (200) square feet in area (10' x 20') and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into any collection or arterial street. Back out parking may be permitted on residential streets.

(a) Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

(b) Churches: One space for each three (3) seats.

(c) Clubs and lodges: One space for each two hundred (200) square feet of floor space.

(d) Dwellings:

(i) Single and duplex - two spaces for each unit.

(ii) Multi-family - three spaces for each unit.

(e) Funeral parlors: One space for each three (3) seats in the chapel.

(f) Gasoline service stations and similar establishments: Four spaces for each bay or similar facility plus one (1) space for each employee.

(g) Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.

(h) Hotel: One space for each three (3) employees plus one space for each guest room.

(i) Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.

(j) Motels: One space for each three (3) employees plus one space for each accommodation.

(k) Offices:

(i) Medical - one space for each two hundred (200) square feet of floor space.

(ii) Other professional - one space for each three hundred (300) square feet of floor space.

(iii) General - one space for each three hundred (300) square feet of floor space

(l) Places of public assembly: One space for each three (3) seats in the principal assembly room or area.

(m) Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.

(n) Restaurants: One space for each three (3) employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.

(o) Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

(p) Schools: High schools require one space for each faculty member, plus one space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.

(q) Mobile home parks: Two spaces for each mobile home.

(r) Wholesale business: One space for each two (2) employees based on maximum seasonal employment.

(s) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted the board of zoning appeals may permit such space to be provided on other off street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any matter.

(t) Extension of parking space into a residential district: Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that:

(i) The parking space adjoins a commercial or industrial district

(ii) Has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and

(iii) Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

(3) Off-street loading and unloading space. On every lot on which business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

(a) Retail business: One space of at least 12 X 25 feet for each three hundred thousand (3,000) square feet of floor area or part thereof.

(b) Wholesale and industrial: One space of at least 12 X 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.

(c) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

(4) Vision clearance. In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

(5) Mobile home. The use of a trailer or mobile home as a principal building in other than an approved mobile home park is prohibited.

(6) Ingress and egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

(7) Apartments and condominiums. An apartment project is defined as any group of two (2) or more buildings to be constructed on one (1) parcel of land. A condominium (condo) is one defined as a comprehensive residential or commercial development where project design does not include standard street, lot and subdivision arrangement, and where shares, property, or units are to be sold. Apartments or condo projects may be allowed upon review and approval by the Church Hill Planning Commission provided that the following are met:

(a) Basic requirements. (i) A site plan showing the location of proposed buildings, roads, drives, parking utilities, drainage, and any other information necessary for review must be presented to the planning commission.

(ii) The planning commission should not approve a use prohibited, or a smaller lot area per family than the minimum required, or a graded height, or a larger lot coverage than permitted in the district where the project is located without good cause shown.

(iii) When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes or similar housing units, the following requirements apply; side yard setbacks will not be required where housing units connect at property lines and road frontage requirements may be reduced.

(b) Development standards. (i) All common driveways and parking areas for apartments and condo's must be paved with hot asphalt or concrete. A compacted base course four (4) inches deep shall be installed as specified in section 303 Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways latest version. A two (2) inch surface course of asphalt as specified under Section 411, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand Standards Specifications for Road or Bridge Construction, Tennessee Department of Highways latest version is required. A four (4) inch surface course of concrete may be used as an alternative to two (2) inches of asphalt.

(ii) A planted buffer strip shall be provided along side and rear lot lines. The planning commission may waive this

requirement if the adjoining property is vacant, has a natural buffer, etc.

(iii) Apartments and PUDs must be final graded and seeded.

(c) Approval requirements. (i) A plat for the conversion of rental units to condos must be approved by the Church Hill Planning Commission. A copy of the condo agreement providing for the maintenance of common areas drafted by an attorney must be submitted.

(ii) Design approval and final approval by the planning commission shall be required before any condo units can be sold. Also, apartment units shall have all improvements completed before any units are occupied. Projects may be developed in stages, but a design plan must be approved for the whole project. Each stage will be given final approval once all improvements have been made. A partial sale of some condo units or partial rental of some apartment units may be allowed by the planning commission with the reason documented in the minutes. Letters of credit or bonds may be approved by the planning commission to cover the cost of improvements not completed for condos or apartments by the planning commission with the reason documented in the minutes.

(8) Communication facilities. (a) Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards, to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

(i) Application for a building permit for such communication facility shall include:

(A) A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, which demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures, couplings and the precise point of attachment shall be indicated.

(B) An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

(1) Unwillingness of the owner to entertain a cellular telephone facility proposal;

(2) The equipment would exceed the structural capacity of the existing approved tower and facilities;

(3) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

(4) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;

(5) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.

(C) A site plan shall be approved by the Church Hill Regional Planning Commission prior to the building inspector issuing a permit.

(9) The following standards shall be used in design of the facilities:

(a) Setback - Minimum setback shall be twenty percent (20%) of tower height or equal to the existing zoning district, whichever is greater. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;

(b) Landscaping and screening - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of six feet (6) at planting and a minimum height of fifteen feet (15) at maturity, or a continuous hedge with three feet (3) height at planting and six feet (6) height at maturity. Sites may be exempted from the landscaping requirement provided the building inspector finds the vegetation or the topography of the site provides a natural buffer.

(c) Fencing - A chain-link fence or solid wall not less than eight (8) feet in height from finished grade shall be provided around each

communication facility. Access to the facility shall be through a locked gate.

(d) Lighting - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to project into surrounding property.

(e) Radiation standards - All proposed communications facilities shall comply with current standards of the Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

(f) Aircraft hazard - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.

(g) Equipment storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.

(h) Removal of obsolete or unused facilities - All obsolete or unused communications facilities shall be removed by the property owner within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement to ensure compliance with this requirement.

(i) Signs and advertising - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted.

(j) Maintenance - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.

(k) Access and parking - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the zoning ordinance and subdivision regulations. The requirements may be waived by the building inspector for rural or undeveloped areas.

(l) Changes to communication facilities - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

(10) Site plan review. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all proposed developments, excepting single-family and two-family structures on individual lots that are not part of a planned unit development. Prior to being issued a building permit, final site plan approval by the planning commission shall be required, except that site plans for additions

to existing structures may be approved by the building inspector provided that access points for the development do not change, or no more than ten (10) parking spaces are required to be added to the site.

(11) In order to provide flexibility for the developer while protecting existing property, the City of Church Hill provides for three (3) classifications of site plans, with varying requirements. The three are:

(a) Concept plan. Concept site plans shall contain the following information: location map including sufficient information to identify the property; boundaries of the property with dimensions; scale of the plan (1" to 40' or larger); existing and proposed zoning classification; zoning and land use of adjoining properties; north arrow; proposed driveways with dimensions; names and locations of public streets abutting the property; sizes and locations of proposed structures; locations of proposed landscape areas; name of the property owner; acreage of the property; tax map identification number or address of the property; date of the plan; proposed use; number of stories; total square footage of the proposed structures; locations of existing structures (identified by dashed lines if intended for removal); location and dimensions of parking and loading areas; table listing the numbers of parking and loading spaces required and the numbers proposed.

(b) Preliminary plan. Preliminary site plans shall contain the information as described for concept plans, as well as the following information: required setbacks; revision dates of plans (if applicable); sizes and locations of existing utilities; general sizes and locations of proposed utilities; dumpster/garbage collection area; paving material; and extent of proposed paving.

(c) Final plan. Final site plans shall be drawn and stamped by an architect, engineer, surveyor licensed in the State of Tennessee and shall contain the information as described for preliminary plans, as well as the following information: property lines with accurate bearings and dimensions; drainage plans sufficient to meet the requirements of chapter 3, Stormwater Management, Erosion and Sedimentation Control, of the Church Hill Municipal Code, (detailed on a separate sheet); locations of free-standing signs; accurate locations of proposed utilities and utility easements; note stating that exterior lights will be positioned or shielded in such a way that the minimum amount of light practicable spills onto adjacent properties and rights-of-way, or into the sky.

(d) Only the Church Hill Regional Planning Commission may amend a site plan which it has approved, except that amendments which fully meet the requirements of the zoning ordinance may be approved by the city building inspector and/or planning staff representative without further action by the commission. If any question arises as to compliance, however, the plan shall be referred to the planning commission for action. Such amendments shall be of minor significance and shall generally

relate to adjustments of previously approved plan features. Such amendments must meet the provisions of the zoning ordinance. Such amended plans shall also have written on them the exact changes made. Any plans that are amended through approval by the building inspector and/or the planning staff representative shall be presented to the planning commission at its next scheduled meeting and properly entered into the minutes.

(e) Approval of a preliminary site plan shall be effective for a period of twenty-four (24) months, during which time a final plan shall be filed and approved. Approval of a final plan shall be effective for a period of twenty-four (24) months, after which time the planning commission may require submission of a new final site plan. (2003 Code, § 11-406)

**14-407. Provisions governing use districts.** (1) Low-Density Residential Districts (R-1). The intent of the Low Density Residential District (R-1) is to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to accommodate individual and family private living needs. In order to achieve this intent, the following principal, accessory, special exception and prohibited uses are established:

(a) Principal uses:

(i) Single family detached dwellings;

(ii) Customary general farming ordinarily engaged in within eastern Hawkins County;

(b) Accessory uses:

(i) One customary accessory building provided that it is located in the rear yard and not closer than five (5) feet to any property line. No principal or accessory structure, or combination thereof, shall cover more than thirty-five (35%) percent of any lot. If more restrictive conditions are contained in any deed or are imposed by any contractual arrangement in any subdivision, those more restrictive conditions shall take precedence.

(c) Special exceptions, upon a finding by the board of zoning appeals that the manner of use will be in harmony with the character of the district, will be substantially the same character of occupancy, and the intensity of land use is no higher and a standard of open space no lower than that permitted in the district generally:

(i) Customary home occupations accessory to a single-family residential dwelling provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than thirty

percent (30%) of the total floor area of the principal structure is so used;

(ii) Commercial green houses, permanent commercial produce stands or similar agricultural uses of any kind accessory to customary general farming ordinarily engaged in within eastern Hawkins County;

(iii) Publicly owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that;

(A) The location of these uses shall first be reviewed and approved after having held a public hearing;

(B) The buildings are placed not less than thirty (30) feet from the side and rear property lines;

(C) There are buffer strips along side and rear property lines;

(d) Prohibited uses:

(i) Residential other than single-family detached dwellings;

(ii) Retail sales and services, wholesaling, offices, industrial and all other business uses than customary home occupations;

(iii) Concentrated commercial farming activities not ordinarily engaged in within eastern Hawkins County;

(iv) Communication facilities.

(2) Medium Density Residential District (R-2). It is the intent of this district to provide areas for single and condominium, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or condominium. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

(a) Any use permitted in the R-1 Residential District;

(b) Duplexes

(c) Condominium dwelling units per § 14-406(7) Condominiums;

(d) Funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies, and insurance agencies provided that:

(i) They shall be located on designated arterial or collector streets;

(ii) The building shall be placed not less than fifty (50) feet from all property lines;

(iii) There is a planted buffer strip erected on the side and rear property lines.

(3) Medium Density Residential District (R-3). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the Medium Density Residential District (R-3) as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-2 residential district.
- (b) Multi-family dwelling units per § 14-406(2) Apartments and Condominiums.
- (c) Day care centers.

(4) Planned Unit Development District (R-4). It is the intent of this conditional rezoning district to allow, coordinate and regulate large scale or comprehensive group developments which may not follow standard design practices. Planned Unit Developments (PUDs) will allow increased densities, the grouping of housing, open spaces and setbacks that are not traditional. It is the intent that the development will contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

- (a) Conditions for rezoning:
  - (i) Ownership: All of the land contained within a proposed PUD must be owned at the time of application for rezoning by the same individual, corporation or legal entity.
  - (ii) Preliminary site plan: At the time of application for rezoning to R-4 a site plan shall be submitted to the planning commission for preliminary approval. Said PUD design shall:
    - (A) Not be incompatible with existing land use in the area,
    - (B) Not be inconsistent with the goals and policies of the Church Hill comprehensive land use plan,
    - (C) Be located on a major artery as defined in the Church Hill major road plan providing for adequate ingress and egress for traffic that will not create safety or traffic problems and
    - (D) Provide adequate off-street parking and loading space.
  - (iii) Minimum size: The minimum size that will qualify for PUD zoning will be five (5) acres.
  - (iv) Permitted uses: The PUD district is primarily a single-family residential district with small percentages of the total land area within a PUD being available for multifamily as allocated by:

(A) A minimum of fifty percent (50%) of the land area shall be for single-family residential development if multi-family development is proposed,

(B) No more than twenty percent (20%) of the land area shall be used for multi-family development and said units shall not be located next to any adjacent pre-existing single-family residential units and

(C) At least thirty percent (30%) of the land area, not including streets, shall be open space in common ownership of the PUD's homeowners association.

(D) In no case shall development exceed seventy percent (70%) of the total land area.

(v) Density: The gross density for a PUD shall not exceed twelve (12) units per acre.

(vi) Streets: All streets within the PUD shall be private and constructed to the specifications of Church Hill as to street widths, street grade, and construction standards.

(vii) Utilities: All utilities shall be publicly owned and maintained and constructed to the specifications of Church Hill. They shall be located in designated utility easements not less than fifteen (15) feet wide.

(viii) Buffering/landscaping: The outer boundaries of the PUD will provide for a system of buffering the development from adjacent properties and must be approved by the planning commission.

(b) Preliminary site plan/zoning approval: The preliminary approval process shall commence with the submission of a request to the planning commission for a zone reclassification to R-4 and a preliminary site plan. Once approved by the planning commission, the city clerk shall submit the planning commission's positive recommendation for R-4 zoning to the Church Hill Board of Mayor and Alderman for a public notice, public hearing and final ordinance action to conditionally amend the official zoning map. Copies of the preliminary site plan shall be available for public review at city hall prior to and during the public hearing.

As a condition of the zoning action, failure of the developer to obtain final site plan approval, necessary permits, and start of construction within one (1) year of final ordinance approval by the Church Hill Board of Mayor and Alderman will:

(i) Void the planning commission's preliminary site plan approval and

(ii) The zoning of the property will revert back to its original zone prior to the PUD request.

(c) Final site plan approval:

(i) Final site plan: After the zone reclassification has become effective, the developer shall submit to the planning commission a detailed final site plan containing at a minimum:

- (A) Outer property boundaries,
- (B) Easements (utility and drainage),
- (C) Any flood prone areas,
- (D) Open space/common ownership areas,
- (E) The location of all streets, their widths and grades,
- (F) All utilities and their respective line sizes,
- (G) Erosion control and drainage plans,
- (H) The location of all structures by type,
- (I) Information concerning building heights and set backs,
- (J) A detailed buffering and landscape plan and
- (K) Any other information required by the planning commission.

(ii) Construction plans: The developer shall submit any construction plans requested by Church Hill prior to the construction of any improvements to assure compliance with construction standards. Upon the completion of utility improvements Church Hill will be provided as built drawings.

(iii) Homeowners association: Together with the final site plan the developer shall submit a copy of the PUD's final homeowners' association documentation and restrictive covenants as part of the final approval process.

(iv) Formal approval: Upon submission of the final site plan the planning commission must take action to formally approve or reject the plans. Failure for action by the planning commission on the site plan within thirty (30) days of the formal review will constitute automatic approval.

(v) Recordation/records: After approval the developer shall submit the site plan and associated homeowner association and restrictive covenants to the office of the Hawkins County Register for recording. The Church Hill Building Official shall keep and maintain all information necessary to ensure that the PUD complies with the provision of this ordinance and conduct the necessary on-site inspections as warranted.

(vi) Permits: It shall be the responsibility of the developer to obtain all necessary permits and comply with all other, ordinances, regulations and codes applicable to the construction of this project.

(d) Modifications: After securing final site plan approval from the planning commission, all development shall be in conformity with the

approved site plan with no adjustments or alternations. Any modification will require the submission of a new site plan to the planning commission for its approval.

(5) Mobile Home Park District (R-5). It is the purpose of this district to provide exclusive areas for mobile homes which will be attractive and at a density which will prevent overcrowding, and have open space. In order to achieve the intent of the mobile home park district (R-5), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-4 residential district.
- (b) Mobile home parks provided that they conform to the requirements of the mobile home park ordinance of the City of Church Hill, Tennessee.
- (c) Communication facilities are prohibited.

(6) Neighborhood Business Districts (B-1). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-3 residential district;
- (b) Shopping centers;
- (c) Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, and similar uses;
- (d) Business signs provided that all signs, except one (1) detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.
- (e) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall not less than fifteen (15) feet from intersection of street lines.

(7) Central Business District (B-2). It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial development which does not lend itself to pedestrian traffic. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Stores and shops conducting retail business, and any business permitted in the B-1 zone;

- (b) Personal, business, and professional services;
- (c) Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Church Hill Regional Planning Commission.
- (d) Business signs, parking lots and garages, and advertising signs;
- (e) Lodges and clubs; hotels and motels, restaurants, and similar services;
- (f) Apartments;
- (g) Hospitals, and nursing homes;
- (h) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.
- (i) Funeral homes;
- (j) Places of assembly.

(8) Arterial Business Districts (B-3). It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of these districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in B-1 Districts, except mobile homes;
- (b) Hotels and motels;
- (c) Auto and mobile homes sales;
- (d) Restaurants;
- (e) Offices;
- (f) Places of amusement and assembly;
- (g) Funeral homes
- (h) Public and semi-public buildings and uses;
- (i) Travel trailer parks;
- (j) Lodges and clubs.
- (k) Wholesale business, warehouses, storage yards, and buildings;

(9) Shopping Center Districts (B-4). It is the intent of this district to establish areas for concentrated retail business development. Uses which do not require a central location and create friction in the performance of function will be discouraged from this district. The requirements are designed to protect the essential characteristics of the district by promotion of retail business or businesses which serves the general public, and to discourage industrial and wholesale development.

In order to achieve the intent of the b-4 shopping center district, as shown on the Zoning Map of Church Hill, Tennessee, the following uses are permitted:

- (a) Business signs as permitted in the B-1 district.

(b) Stores and shops conducting retail business, sales and display rooms.

(c) Motels, restaurants, and places of assembly and amusement.

(d) Small professional offices and services only by specific variance as recommended by the planning commission. The size and location of offices and service providers may be restricted if circumstances so warrant.

(10) Industrial Districts (M-1). (a) It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote, and encourage industrial, wholesaling, and business uses. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

(i) Any use permitted in business districts except residences and mobile homes;

(ii) Terminals;

(iii) Wholesale business;

(iv) Warehouses;

(v) Storage yards and buildings and similar uses;

(vi) Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the building inspector, and the Church Hill Planning Commission.

(A) Industry should not contribute to air, water, soil or noise pollution.

(B) All industrial site plans shall be submitted to the Church Hill Planning Commission for review and approval.

(b) Uses permitted upon review. Methadone treatment clinic or facility, substance abuse treatment facilities.

(i) The consideration for approval by the planning commission of a methadone treatment clinic or facility and substance abuse treatment facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.

(ii) Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for use of review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the planning commission for use in making a thorough evaluation of the proposal.

(iii) The clinic or facility shall be located on and have access to a principal arterial street.

(iv) Measurement shall be made in a straight line on the Church Hill Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:

(A) The clinic or facility shall not be located within one thousand feet (1,000') of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.

(B) The clinic or facility shall not be located within one thousand feet (1,000') of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.

(C) The clinic or facility shall not be located within one thousand feet (1,000') of any area devoted to public recreation activity.

(D) The clinic or facility shall not be located within one thousand feet (1,000') of any amusement catering to family entertainment.

(E) The site shall not be less than one thousand feet (1,000') of any residential dwelling at the time of approval.

(F) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility and substance abuse treatment facility. (2003 Code, § 11-407, as amended by Ord. #09-434, April 2009, and Ord. #15-473, May 2015)

**14-408. Minimum lot sizes for (R-1) through (R-5).**

District	Minimum Lot Area in sq. ft.	Minimum Area per Additional Housing Unit in sq. ft.	Maximum Number of Housing Units per Acre	Housing Units per Second Acre	Minimum Lot Width in feet at Building Setback Line	Minimum Front Setback in Feet	Minimum Side Setback (each side) in Feet	Minimum Rear Setback in Feet	Maximum Height of Structures in Feet
R-1	12,000	N/A	3.6	3.6	80	30	15	25	35
R-2	10,000	5,990	6.6	7.3	70	30	10	20	35
R-3	10,000	3,900	9.6	11.2	70	30	8 per story	20	35
R-4	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
R-5	10,000	2,890	12.6	15.1	70	90	8 per story	20	35
B-1	10,000*	2,890	12.6	15.1	70	30	10^	25	35
B-2	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-3	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-4	N/A	N/A	N/A	N/A		30	10	25	70
M-1	N/A	N/A	N/A	N/A		30	20	25	70

# See 11-405, Section C of the Zoning Ordinance

\*Applies only to residential dwelling units

^For residential uses, side setbacks are eight (8) feet per story in B-1 through B-3 zones (2003 Code, § 11-408)

**14-409. Exceptions and modifications.** (1) Lot of record. Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the yard or other requirements of this chapter, an application may be submitted to the board of zoning appeals for a variance from the terms of this chapter, in accordance with § 14-411(4)(c). Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible in the opinion of the board of zoning appeals.

(2) Front yards. The front yard requirements of this chapter for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

(3) Group housing project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least one (1) acre not subdivided or where the existing or contemplated street and lot layouts make it impractical to apply the requirements of this chapter to the individual building units in such housing projects, the application of the terms of this chapter may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use is no higher and a standard of open space no lower than that permitted by this chapter in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this chapter permit in such district.

(4) Exception of height limits. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, radio towers, mast and aerials. (2003 Code, § 11-409)

**14-410. Enforcement.** (1) Enforcing officer. The provisions of this chapter shall be administered and enforced by a building inspector appointed by the mayor and approved by the board of mayor and aldermen, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

(2) Building permits and certificates of occupancy. (a) Building permit required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to

commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work. No connection to any utility shall be made by any individual or corporation until the issuance of a building permit.

(b) Issuance of a building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the City of Church Hill, then in force. The building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing, with the cause.

(i) The issuance of a permit shall in no case be construed as waiving any provision of this chapter.

(ii) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(c) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this chapter. Within five (5) days after notification that a building or premises or part thereof, is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof, and the proposed use thereof are found to conform with the provisions of this chapter; or, if such certificate is refused, to state such refusal in writing with the cause.

(d) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

(3) Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) dollars nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

(4) Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute

injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land. (2003 Code, § 11-410)

**14-411. Board of zoning appeals.** (1) Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, title 13. The Church Hill Planning Commission is hereby designated as the board of zoning appeals. It shall be appointed by the mayor of the city and confirmed by the majority vote of the board of mayor and aldermen. The term of individual membership shall be concurrent with appointment on the church hill planning commission.

(2) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record.

(3) Appeals: how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

(4) Powers. The board of zoning appeals shall have the following powers:

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this chapter.

(b) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass § 14-404(2)(b); § 14-406(1)(b); § 14-407(3)(b); § 14-408.

(c) Variance. To hear and decide applications for variance from the terms of this chapter, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this chapter was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions on a piece of property the strict application of the provisions of this chapter would result in exceptional practical difficulties to, or exceptional and undue hardship upon, the

owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in 14-409(1) and (3).

(i) In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this chapter.

(ii) Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (2003 Code, § 11-411)

**14-412. Amendment.** (1) Procedure. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this chapter. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this chapter.

(2) Approval by planning commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

(3) Introduction of amendment. Upon the introduction of an amendment to this chapter or upon the receipt of a petition to amend this chapter, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Church Hill, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. An appropriate sign shall be erected on the property that would be affected by the proposed change.

(4) Any request for rezoning property located within city boundaries shall be accompanied by a non-refundable fee in an amount to be set by the board of mayor and aldermen by resolution. (2003 Code, § 11-412)

## CHAPTER 5

### MOBILE HOME PARKS

#### SECTION

14-501. Purpose of regulations; permit required for construction, alteration, etc.

14-502. Definitions.

14-503. Procedures for park approval.

14-504. Minimum design standards.

14-505. Permits and park operation.

14-506. Enforcement.

**14-501. Purpose of regulations; permit required for construction, alteration, etc.** The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals, and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation, water, sewerage, parks, schools, and other public requirements.

It shall be unlawful for any person, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector in the name of such person, firm, or corporation for the specific construction, alteration, or extension proposed. (2003 Code, § 11-501)

**14-502. Definitions.** (1) "Mobile home." A detached, single family unit with all of the following characteristics:

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

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

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

(2) "Mobile home park" shall mean any plot of ground containing a minimum of five (5) acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(3) "Buffer strip" shall mean a plant material or other material as may be required by the Church Hill Regional Planning Commission which shall provide an immediate screen of not less than five (5) feet with the use of plant materials or not less than six (6) feet with the use of other materials.

(4) "Health officer" shall mean the health officer of Church Hill, Tennessee, or his authorized representatives.

(5) "Building inspector" shall mean the building inspector of Church Hill, Tennessee, or his authorized representative.

(6) "Plumbing inspector" shall mean the plumbing inspector of Church Hill, Tennessee, or his authorized representative.

(7) "Electrical inspector" shall mean the electrical inspector of Church Hill, Tennessee, or his authorized representative.

(8) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.

(9) "Lot line." A line bounding the lot as shown on the accepted plot plan.

(10) "Permit." A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.

(11) "Accessory structure." Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets, and similar appurtenant structures.

(12) "Permanent building." A building, except a mobile home, or accessory structure.

(13) "Private drive." A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

(14) "Public street." A public way which affords the principal means of access to abutting properties.

(15) "Shall" indicates that which is required. (2003 Code, § 11-502)

**14-503. Procedures for park approval.** (1) Early consultation with planners. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Church Hill Planning Commission and its technical staff for advice and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.

(2) Submitting of plan. At least ten (10) working days prior to the planning commission meeting at which the park is to be considered for approval, the developer shall submit two (2) copies of the proposed park to the commission's technical staff.

(3) The general plan. The plan shall meet the minimum design standards as set forth in § 11-504 and shall give the following information:

(a) Name and location of the park;

- (b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the planning commission;
- (c) Shall be drawn to a scale showing dimensions of the park with a datum, approximate north point, graphic scale, and acreage of land to be developed;
- (d) Shall denote the location of property lines, existing and planned streets, drives, and walkways, buildings, water courses, culverts, drain pipes, public utility easements, water mains;
- (e) A plan for storm water drainage;
- (f) A plan of proposed utilities - water, sanitary sewers, gas, and electricity;
- (g) A plan for recreation and open space;
- (h) A plan for refuse disposal;
- (i) A lighting plan;
- (j) A certificate of accuracy signed by the surveyor or engineer;
- (k) Certificates of appropriate approval with signatures of the health officer and the building, plumbing, and electrical inspectors;
- (l) A certificate for planning commission approval;
- (m) Any other pertinent information as may be required by the planning commission. (2003 Code, § 11-503)

**14-504. Minimum design standards.** (1) General. (a) A mobile home park shall be located only within the R-5 Mobile Home Park Districts.

(b) The condition of soil, drainage, and topography shall not create hazards.

(c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage, or other adverse influences.

(2) Recreation and open space. Common areas for recreation and leisure time pursuits shall be provided in a centralized location.

(a) The amount of open space area shall be a minimum of five hundred (500) square feet per mobile home lot.

(b) Large parks may, at the discretion of the planning commission, decentralize open space areas in order to adequately service all residents.

(c) Buffer strips. The planning commission may require buffer strips along the boundary lines of the park.

(d) Any part of the park area that is not utilized for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and other similar landscaping materials.

(3) Density. (a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided, however, all other standards are met.

(b) Each mobile home space shall have a minimum depth of seventy-five (75) feet.

(c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved, public street.

(d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street rights-of-way.

(e) There shall be a minimum distance of twenty (20) feet between mobile homes.

(f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.

(4) Streets, drives, walkways and parking. (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.

(b) All drives, walkways, and parking areas shall have a minimum of a double bituminous surface with an adequate base.

(c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives.

(d) Each mobile home park shall provided one and one half (½) parking spaces for each mobile home space.

(e) Parking spaces shall be located for convenient access to mobile home units.

(f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.

(5) Service buildings. (a) Service buildings shall be of permanent construction and meet all codes and ordinances.

(b) Service buildings shall be convenient to the mobile home spaces which they solely serve.

(c) The service buildings shall be maintained in a clean and sanitary condition.

(6) Utilities. (a) The mobile home park water distribution system shall be connected to the public water supply system.

(b) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of type and location approved by the state health department.

(c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.

(d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewage. Wherever feasible, a connection shall be made to the public sewerage system.

(e) The sewerage system shall be designed and constructed in accordance to state and local laws and approved by the Tennessee Department of Public Health.

(f) Each mobile home space shall be provided with a four (4) inch diameter sewer riser pipe. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable with a smooth inner surface. Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.

(g) Where the sewer lines of the mobile home park are not connected with the public sewerage system, the county health department shall approve all proposed sewage facilities.

(h) Solid waste collection stands shall be provided for all waste containers.

(i) All electrical installations shall be designed and constructed in accordance with the electrical code of the City of Church Hill as approved by the Holston Electric Cooperative.

(j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the City of Church Hill.

(7) Guarantee in lieu of completed improvements. (a) No mobile home park plan shall be approved by the planning commission until all required improvements are constructed in a satisfactory manner. However, in lieu of completed construction of all improvements, the planning commission may recommend that a cash bond in an amount equal to the estimated cost of installation of required improvements be submitted.

(b) If a bond is submitted, it must first be approved by the board of mayor and aldermen.

(c) The bond shall be due within six (6) months from submission.

(d) The board of mayor and aldermen may instruct the building inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents. (2003 Code, § 11-504)

**14-505. Permits and park operation.** (1) Permits. (a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.

(b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limits of Church Hill unless he owns a valid permit issued by the building inspector.

(c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Church Hill Planning Commission.

(d) Following the approval of a mobile home park plan by the planning commission, the installation of improvements to the satisfaction of the planning commission and a bond guaranteeing the completion of all improvements within a period of six (6) months, the board of mayor and aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six (6) month period.

(e) The annual operating permit fee shall be one dollar (\$1.00) for each mobile home space to a maximum of seventy-five (\$75.00) dollars.

(2) Park operation. (a) The park management shall maintain a register containing names, addresses, and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.

(b) The park management shall notify park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under the chapter. (2003 Code, § 11-505)

**14-506. Enforcement.** (1) The regulations contained in this chapter shall be enforced by the building inspector of the city.

(2) Any person or organization who shall fail to comply with or violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) for each violation thereof. Each day a non-complying condition exists constitutes a separate and distinct violation to the above-noted penalty. (2003 Code, § 11-506)

## CHAPTER 6

### FLOODPLAIN REGULATIONS

#### SECTION

14-601. Statutory authorization, findings of fact, purpose and objectives.

14-602. Definitions.

14-603. General provisions.

14-604. Administration.

14-605. Provisions for flood hazard reduction.

14-606. Variance procedures.

14-607. Deleted.

**14-601. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Church Hill, Tennessee, Mayor and Board of Aldermen, do ordain as follows:

(2) Findings of fact. (a) The City of Church Hill, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, § 60.3.

(b) Areas of the City of Church Hill, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (2003 Code, § 11-601, as replaced by Ord. #13-459, April 2013)

**14-602. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1 - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Base Flood Elevation" (BFE). The elevation of surface water resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, ARIA, AR/AE, AR/A1-A30, AR/AHs AR/AO, V1-V30, and VE.

(9) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(10) "Building" see "structure."

(11) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls

adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(14) "Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

(15) "Exception" means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(16) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(18) "Existing structures" see "existing construction."

(19) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(20) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(22) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(23) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

(24) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(25) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(26) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(27) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(28) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(29) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(30) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(31) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(32) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(33) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(34) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(36) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(37) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Church Hill, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By an approved Tennessee program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior.

(38) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(39) "Levee system" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage

devices, which are constructed and operated in accordance with sound engineering practices.

(40) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(41) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(42) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(43) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(44) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(45) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(46) "New construction" means any structure for which the "start of construction" commenced after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(48) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(49) "100-year flood" see "base flood."

(50) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(51) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(52) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special flood hazard area" is the land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood/related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" The Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement.

(a) This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be

(i) The appraised value of the structure prior to the start of the initial repair or improvement, or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this ordinance.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) or 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (2003 Code, § 11-602, as replaced by Ord. #13-459, April 2013)

**14-603. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Church Hill, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Church Hill, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47073C0095D, 47073C0115D, 47073C0120D, 47073C0260D, 47073C0280D and 47073C0285D, dated July 3, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body, and;
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood

damages. This ordinance shall not create liability on the part of the City of Church Hill, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Church Hill, Tennessee from taking such other lawful actions to prevent or remedy any violation. (2003 Code, § 11-603, as replaced by Ord. #13-459, April 2013)

**14-604. Administration.** (1) Designation of ordinance administrator. The building official or designee is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-605(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a

Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to the following:

(a) Review of all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-604(2).

(g) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-604(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(i) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Church Hill, Tennessee FIRM meet the requirements of this ordinance.

(j) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (2003 Code, § 11-604, as replaced by Ord. #13-459, April 2013)

**14-605. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-605(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-605(1), are required:

(a) Residential structures. In AE zones where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to

elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Within approximate A zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

(b) Non-residential structures. In AE zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

In approximate A zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Non-residential buildings located in all A zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-604(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow

for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage of building access,

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-605(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

(B) In expansions to existing manufactured home parks or subdivisions, or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE zones when base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or,

(B) In approximate A zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-602).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-605(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-605(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard area established in § 14-603(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data using the same methodologies as in the effective flood insurance study for the City of Church Hill, Tennessee and certification thereof.

(b) New construction or substantial improvements of buildings, where prohibited, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-603, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(5) Standards for streams without established base flood elevations or floodways (A zones). Located within the special flood hazard areas established in § 14-603(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A zones meet the requirements of § 14-605(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-605(2).

(d) Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Church Hill, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2). Within approximate A zones, require that those subsections of § 14-605(2) dealing with the alteration or relocation of a watercourse, ass\lling watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH zones). Located within the special flood hazard areas established in § 14-603(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-605(1) and (2) apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest

adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated, to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-605(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-604(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-603(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 zones) all provisions of §§ 14-604 and 14-605 shall apply.

(8) Standards for unmapped streams. Located within Church Hill, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction or substantial improvements shall meet the standards established in accordance with

§§ 14-604 and 14-605. (2003 Code, § 11-605, as replaced by Ord. #13-459, April 2013)

**14-606. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting

of variances as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-606(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood level increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (2003 Code, § 11-606, as replaced by Ord. #13-459, April 2013)

**14-607. [Deleted.]** (2003 Code, § 11-607, as deleted by Ord. #13-459, April 2013)

## CHAPTER 7

### OFF-SITE DRAINAGE

#### SECTION

14-701. Purpose.

14-702. Off-site drainage plan required.

14-703. Review by city engineer and planning commission approval.

14-704. Construction of drainage facilities in accordance with approved off-site drainage plan.

14-705. Alternate method for payment of construction costs for off-site drainage facilities.

14-706. Engineers report to city.

**14-701. Purpose.** Whenever the construction of a subdivision, development or improvement may cause, contribute, or add to existing or proposed surface water runoff drainage (facilities other than those required to provide internal drainage within such construction) such sub-divider, developer or improver shall be required to follow the sections hereinafter appearing. (2003 Code, § 11-701)

**14-702. Off-site drainage plan required.** Each sub-divider, developer, or improver shall submit to the Church Hill Regional Planning Commission in triplicate an off-site drainage plan which shall be based upon the national method of run-off calculation and the ten-year storm frequency. (2003 Code, § 11-702)

**14-703. Review by city engineer and planning commission approval.** After receiving a recommendation from the city engineer, the planning commission shall approve or disapprove said plan. In the event of disapproval, the planning commission shall state its reasons therefore to the applicant. The planning commission shall include the following in any approval of off-site drainage plans:

(1) The off-site drainage plan must be approved by the planning commission prior to the approval of any final subdivision plan.

(2) The off-site drainage plan must route the storm water run off to an existing or natural water course in such a manner as to prevent damage to downstream property owners.

(3) A natural or existing water course is defined herein as one where the water has been accustomed to gather and/or flow a well-defined channel which frequent running has worked or cut into the soil.

(4) The applicant (landowner) shall have the responsibility of securing at no cost to the city such necessary perpetual drainage easements to effectuate the approved plan.

(5) The planning commission may require the applicant (landowner) to post a bond with good and sufficient surety to assure completion of the plan.

(6) The planning commission may impose such other reasonable conditions upon the approval of the plans as recommended by the city engineer. (2003 Code, § 11-703)

**14-704. Construction of drainage facilities in accordance with approved off-site drainage plan.** The applicant (landowner) shall construct the said off-site drainage facilities in accordance with the plans and specifications and pay for all of the other cost of off-site drainage facilities or so much thereof as the city engineer shall direct. (2003 Code, § 11-704)

**14-705. Alternate method for payment of construction costs for off-site drainage facilities.** As an alternative method of payment for the cost of off-site drainage facilities, the sub-divider, developer, or improver may:

(1) Contribute his pro-rata share of local funds expended for construction of off-site drainage facilities or contribute his pro-rata share of local funds estimated to pay for the construction of off-site drainage facilities that controls storm water flow in a designated area or the acquisition of property needed for the addition of such facilities. Local funds do not include funds received by the city from federal or state government grants.

(2) The pro-rata share to be contributed by the subdividers, developers and improver shall be calculated as follows:

(3) Drainage areas shall be designated by the planning commission in accordance with sound engineering principles, upon recommendation by the city engineer.

(4) Off-site drainage facilities needed to properly control present and anticipated storm water flow in such areas designed by the city engineer in accordance with sound engineering principles taking into consideration (among other things) the zoning and zoning patterns of the subject drainage area, the duration and frequency of rainfall in such area during a storm return period of ten (10) years using U.S. Department of Commerce curves and statistics and suitable run-off coefficients as determined by the city engineer for the different types of zoning in such areas.

(5) The total cost of such off-site facilities (including land or easement acquisition and any other incidental costs) shall be estimated by the city engineer based upon current prices plus a percentage of such cost rise over the ensuing five (5) years. Such cost rise estimate will be determined by the use of U.S. Department of Labor consumer price indices to project price increase trends.

(6) The design and estimated cost of such off-site drainage facilities shall be re-evaluated every five (5) years prior to construction. Any changes in cost estimates shall be reflected by either an increase or decrease in those

pro-rata shares remaining to be paid. A rebate shall be made to those having already contributed their share if a decrease in pro rata share is calculated.

(7) A construction fund for each drainage area shall be established by the city to which pro-rata shares shall be contributed by the developer prior to final approval. Shares paid after construction for an off-site drainage facility shall be based upon actual cost and shall be paid to the city. A rebate shall be made to those developers having contributed prior to construction if the actual cost of construction is less than the previous estimate.

(8) The pro-rata share of each developer or entity shall be calculated by estimating that portion of the total storm water run off using said off-site facilities which can be attributed to the subject developer taking into consideration the size and type of the proposed development, the amount of rainfall anticipated in said development and the appropriate run-off coefficients applicable thereto. The cost of enlarged or additional off-site drainage facilities, the need for which is created by actions taken by the sub-dividers, developers, or improver after cost estimates have been made by the city's engineer, shall be borne by such developer.

(9) The pro-rata share for construction occurring in an area served by off-street drainage shall be calculated by estimating that portion of the total storm water run-off using said off-site facilities which can be attributed to the new construction taking into consideration the size and type of the proposed construction, the amount of rainfall anticipated in said development, the appropriate run-off coefficient thereto and the construction of such off-site drainage facility.

(10) In determining the pro-rata share of costs between the developer and the city, the city will be responsible for upgrading any existing storm facilities which are owned and maintained by the City of Church Hill at the time of the formulation of the off-site drainage plan. It shall be presumed that such existing facilities will adequately carry storm water run-off from the area assuming no new development. It shall be the responsibility of the developer to pay the cost of improving existing storm water handling facilities to the point that such facilities are adequate to handle any and all additional flow which may occur as a result of the development plus any storm water flow occurring on the watershed which is directed into the existing storm water facilities as a result of the new development. (2003 Code, § 11-705)

**14-706. Engineers report to city.** Once the off-site drainage plans have been approved by the planning commission, the city engineer will provide the city an estimated cost of the improvements with a break-down of the pro-rata share(s) as described above. The city shall determine whether or not the proposed pro-rata costs are in order, and, if such costs are approved, will present these costs to the developer. The city will provide whenever possible, labor and equipment for installation of storm drainage facilities as their pro-rata share of

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the cost. Hourly rates shall be based upon typical costs in the area and will be updated periodically. (2003 Code, § 11-706)

## CHAPTER 8

### ILLICIT DISCHARGE AND CONNECTION CONTROL

#### SECTION

- 14-801. Short title.
- 14-802. Purpose.
- 14-803. Definitions.
- 14-804. Applicability.
- 14-805. Responsibility for administration.
- 14-806. Discharge prohibitions.
- 14-807. Illicit connections prohibited.
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- 14-809. Industrial or construction activity discharges.
- 14-810. Monitoring of discharges.
- 14-811. Requirement to prevent, control and reduce stormwater pollutants by the use of BMPs.
- 14-812. Watercourse protection.
- 14-813. Notification of spills.
- 14-814. Enforcement.
- 14-815. Appeal of notice of violation.
- 14-816. Enforcement measures after appeal.
- 14-817. Cost of abatement of the violation.
- 14-818. Injunctive relief.
- 14-819. Compensatory action.
- 14-820. Violations deemed a public nuisance.
- 14-821. Remedies not exclusive.
- 14-822. Ultimate responsibility.

**14-801. Short title.** This chapter shall be known as the "Illicit Discharge and Connection Control Ordinance of the City of Church Hill, Tennessee." (2003 Code, § 11-801)

**14-802. Purpose.** The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the City of Church Hill through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practical as required by federal and state law. This chapter serves as a companion document to the Stormwater Management, Erosion and Sedimentation Control Ordinance<sup>1</sup>, and establishes methods for

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<sup>1</sup>Municipal code reference

Stormwater management, erosion and sedimentation control: title 14  
(continued...)

controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the MS4 due to the stormwater discharges of any user;
- (2) To prohibit illicit connections and discharges to the MS4; and
- (3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this chapter. (2003 Code, § 11-802)

**14-803. Definitions.** For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Authorized enforcement agency." The city building inspector and any other authorized employee of the department of public works.

(2) "Best Management Practices (BMPs)." A schedule of activities, prohibitions of practices, generally good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) "City inspector." Any person or persons appointed by the City of Church Hill to ensure compliance with the provisions of this chapter.

(4) "Clean Water Act (CWA)." The federal Water Pollution Control Act (33 CFR § 1251 et seq.), and any subsequent amendments thereto.

(5) "Construction activity." Any activity subject to NPDES construction stormwater general permits. These include construction projects resulting in land disturbance of one acre or more, and certain other instances as defined in the Stormwater Management, Erosion and Sedimentation Control Ordinance.<sup>1</sup> Such activities include but are not limited to clearing, grubbing, grading, excavating and demolition.

(6) "Hazardous materials." Any material, including any substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly

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<sup>1</sup>(...continued)  
chapter 3.

<sup>1</sup>Municipal code reference  
Title 14, chapter 3.

contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(7) "Illegal discharge." Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 14-806 of this chapter.

(8) "Illicit connections." An illicit connection is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater and wash (gray) waters to enter the storm drain system. Also prohibited are any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had previously been allowed by any agency or entity.

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

(9) "Industrial activity." Any activity subject to NPDES Industrial Permits as defined in 40 CFR § 122.26(b)(14).

(10) "NPDES stormwater discharge permit." This means a permit issued by the USEPA or the Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control pursuant to 33 United States Code (USC) § 1342(b) that authorizes the discharge of pollutants to waters of the United States (or "waters of the state") whether the permit is applicable to an individual, group or general area-wide basis.

(11) "Non-stormwater discharge." Any discharge to the storm drain system that is not composed entirely of stormwater.

(12) "Person." Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(13) "Pollutant." Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatable, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(14) "Premises." Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(15) "Storm drainage system." Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, irdets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures. Drainage from privately owned and maintained stormwater detention facilities must also meet the criteria specified herein for discharge to the city's storm drainage system.

(16) "Stormwater pollution prevention plan." Also known as a "drainage plan," this is a formal written document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions necessary to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practical.

(17) "Wastewater." Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (2003 Code, § 11-803)

**14-804. Applicability.** This chapter shall apply to all waters entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. (2003 Code, § 11-804)

**14-805. Responsibility for administration.** The City of Church Hill shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor at the discretion of the BMA to persons or entities acting in the beneficial interests of or in the employ of the city, and identified in this chapter as the "city inspector." (2003 code, § 11-805)

**14-806. Discharge prohibitions.** No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as follows:

(1) The following discharges are exempt from the prohibitions established in this chapter: water line flushing or other potable water source discharges; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to storm drains; uncontaminated pumped groundwater; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensations;

springs; noncommercial washing of vehicles; natural riparian habitat or wetland flows; swimming pools (if chlorinated to typically less than one mg/L); fire fighting activities and any other water source not containing pollutants.

(2) Discharges permitted in writing from the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) These prohibitions shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the USEPA or TDEC, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system. (2003 Code, § 11-806)

**14-807. Illicit connections prohibited.** The construction, use, maintenance or continued use of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. In addition, a person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to the storm drain system. (2003 Code, § 11-807)

**14-808. Suspension of MS4 access.** (1) Suspension due to illicit discharges in emergency situations. The City of Church Hill may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, health or welfare of persons or to the MS4 or waters of the state. If the violator falls to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency shall notify a violator of the proposed termination of its MS4 access. The violator may petition the board of mayor and aldermen for a reconsideration and healing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency. (2003 Code, § 11-808)

**14-809. Industrial or construction activity discharges.** Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of said permit and/or title 14, chapter 3 of the Church Hill City Code. Proof of said permit may be required by the City of Church Hill prior to allowing a discharge to the MS4. (2003 Code, § 11-809)

**14-810. Monitoring of discharges.** This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity, which is more thoroughly covered in title 14, chapter 3.

(1) The City of Church Hill shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance. If a discharger has security measures in force that require proper identification and clearance before entry in/onto its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the City of Church Hill ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater and the performance of any additional duties as defined by state and federal law.

(3) The City of Church Hill shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The City of Church Hill shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater quantity and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Church Hill and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the City of Church Hill access to a permitted facility is a violation of this chapter. A person who is the operator of a stormwater facility with an NPDES permit to discharge stormwater associated with an industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the City of Church Hill has been refused access to any part of the premises from which stormwater is discharged, and there is evidence to indicate probable cause of a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed

to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (2003 Code, § 11-810)

**14-811. Requirement to prevent, control and reduce stormwater pollutants by the use of BMPs.** The City of Church Hill will identify BMPs for any activity, operation or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise which is, or may be, the source of an illicit discharge, may be required to implement, at said persons expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practical, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit. (2003 Code, § 11-811)

**14-812. Watercourse protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. Any significant alteration of a watercourse must be permitted by the TDEC Division of Water Pollution Control. (2003 Code, § 11-812)

**14-813. Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed

to the City of Church Hill within three (3) business days of the notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (2003 Code, § 11-813)

**14-814. Enforcement. Notice of violation.** Whenever the City of Church Hill finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of a violation to the responsible person. Such notice may require any or all of the following without limitation:

- (1) The performance of monitoring, analysis and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices or operations shall cease and desist;
- (4) The abatement and remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator. (2003 Code, § 11-814)

**14-815. Appeal of notice of violation.** Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency directly to the board of mayor and aldermen. The notice of appeal must be received within fifteen (15) days from the notice of violation. Hearing on the appeal shall take place at the next regularly scheduled meeting of the "board," or a special called meeting. The decision of the "board" or its designee shall be final. (2003 Code, § 11-814)

**14-816. Enforcement measures after appeal.** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the "board" upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner or agent in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (2003 Code, § 11-816)

**14-817. Cost of abatement of the violation.** Within fifteen (15) days after the abatement of the violation, the owner of the property will be notified of the cost of abatement of the violation, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. (2003 Code, § 11-817)

**14-818. Injunctive relief.** It shall be unlawful for any person to violate any provision of or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized representative agency may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations. (2003 Code, § 11-818)

**14-819. Compensatory action.** In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanups, etc. (2003 Code, § 11-819)

**14-820. Violations deemed a public nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken. (2003 Code, § 11-820)

**14-821. Remedies not exclusive.** The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (2003 Code, § 11-821)

**14-822. Ultimate responsibility.** The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (2003 Code, § 11-822)

**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****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Bicycle riders, etc.
- 15-122. Adoption of state regulations.

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<sup>1</sup>Municipal code reference

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

- 15-123. Restricted use of Elm Springs Road.
- 15-124. Restricted use of Caldwell Road.
- 15-125. Restricted use of Greenland Road.
- 15-126. Restricted use of Old Union Road.
- 15-127. Size, weight and load.
- 15-128. Operation of vehicles -- Rules of the Road.
- 15-129. Operators to exercise care, maintain lookout.
- 15-130. Compliance with financial responsibility law required.

**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. (2003 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. (2003 Code, § 9-106)

**15-103. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (2003 Code, § 9-109)

**15-104. 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. (2003 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (2003 Code, § 9-111)

**15-106. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (2003 Code, § 9-112)

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

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (2003 Code, § 9-113)

**15-108. General requirements for traffic-control signs, etc.** All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> published by the U.S. Department of Transportation, Federal Highway Administration and shall, so far as practicable, be uniform as to type and location throughout the city. (2003 Code, § 9-114, modified)

**15-109. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (2003 Code, § 9-115)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>This document may be obtained at: [mutcd.fhwa.dot.gov](http://mutcd.fhwa.dot.gov).

**15-110. Presumption with respect to traffic-control signs, etc.**

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (2003 Code, § 9-116)

**15-111. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with 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. (2003 Code, § 9-117)

**15-112. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (2003 Code, § 9-118)

**15-113. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (2003 Code, § 9-120)

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons six (6) years of age or older riding in the load-carrying space of trucks as permitted by Tennessee Code Annotated, § 55-8-189. (2003 Code, § 9-121)

**15-115. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (2003 Code, § 9-122)

**15-116. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (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. (2003 Code, § 9-123)

**15-117. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (2003 Code, § 9-124)

**15-118. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law" as set forth in Tennessee Code Annotated, title 55, chapters 1-4, and penalties as prescribed at Tennessee Code Annotated, § 55-50-601. The penalty for violation of the above ordinances shall be subject to a maximum fifty dollar (\$50.00) fine (2003 Code, § 9-125)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (2003 Code, § 9-126)

**15-120. Damaging pavements.** No person shall operate or cause to be operated upon any street of the city 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. (2003 Code, § 9-119)

**15-121. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

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

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

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (2003 Code, § 9-127)

**15-122. Adoption of state regulations.** Pursuant to Tennessee Code Annotated, § 16-18-302(A), traffic ordinances as set forth at Tennessee Code Annotated, § 55-8-101 et seq, Rules of the Road, that are classified as Class C misdemeanors are hereby adopted by reference as Traffic Ordinances of the City of Church Hill. (2003 Code, § 9-129)

**15-123. Restricted use of Elm Springs Road.** The through use of Elm Springs Road within the corporate limits of the city by heavy trucks with a cargo size heavier than one (1) ton is prohibited. (2003 Code, § 9-108)

**15-124. Restricted use of Caldwell Road.** The use of Caldwell Road within the corporate limits of the city by heavy trucks with a cargo size heavier than fifteen (15) tons is forbidden. (2003 Code, § 9-130)

**15-125. Restricted use of Greenland Road.** The use of Greenland Road within the corporate limits of the city by heavy trucks with a cargo size heavier than twelve (12) tons is forbidden. (2003 Code, § 9-131)

**15-126. Restricted use of Old Union Road.** The use of Old Union Road within the corporate limits of the city by heavy vehicle with a cargo size heavier than ten (10) tons is forbidden. (2003 Code, § 9-136)

**15-127. Size, weight, and load.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits in any manner whatsoever which is contrary to or in violation of -any of the provisions contained in Tennessee Code Annotated, chapter 7, title 55. (2003 Code, § 9-132)

**15-128. Operation of vehicles – Rules of the Road.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless the operation of such vehicle complies in all respects with the requirements set forth in Tennessee Code Annotated, chapter 8, title 55. It is hereby declared to be a violation of this chapter to operate any motor vehicle within the corporate limits in a manner contrary to the requirements set forth in Tennessee Code Annotated, chapter 8, title 55. In any case of a conflict between the provisions of this Municipal Code and the provisions of Tennessee Code Annotated, chapter 8, title 55, the more restrictive provision shall apply. (2003 Code, § 9-133)

**15-129. Operators to exercise care, maintain lookout.** It shall be unlawful to operate a motor vehicle in such a manner as shall indicate a failure to keep a proper lookout or an absence of due care, having regard to actual and potential hazards, or when special hazards exist with respect to pedestrians or other traffic, or because of weather or street conditions, and in any event speed and operation shall be so controlled as shall be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street or highway in compliance with the legal requirements and the duty of all persons to use due care. (2003 Code, § 9-137)

**15-130. Compliance with financial responsibility law required.**

(1) This section shall apply to every vehicle subject to the state registration and certificate of title provisions.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for

which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or:

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection shall be dismissed without costs to the defendant and no litigation tax shall be due or collected. (2003 Code, § 9-138, modified)

## 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. (2003 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (2003 Code, § 9-103)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (2003 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. (2003 Code, § 9-105)

**CHAPTER 3****SPEED LIMITS****SECTION**

15-301. In general.

15-302. 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. (2003 Code, § 9-201)

**15-302. In school zones.** It shall be unlawful for any person to operate or drive a motor vehicle at a speed in excess of twenty (20) miles per hour through any school zone, as designated by the board of mayor and aldermen, in operation or, if no warning flashers are operating, during a period from ninety (90) minutes before school opens to ninety (90) minutes after school closes. (2003 Code, § 9-202, 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> (2003 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. (2003 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. (2003 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. (2003 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (2003 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

**CHAPTER 5****STOPPING AND YIELDING****SECTION**

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

**15-501. 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. (2003 Code, § 9-402)

**15-502. 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. (2003 Code, § 9-403)

**15-503. 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 one thousand five hundred (1,500) 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. (2003 Code, § 9-404)

**15-504. At "stop" signs.** The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk 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. (2003 Code, § 9-405)

**15-505. At "yield" signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (2003 Code, § 9-406)

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

(1) Green alone, or "Go":

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

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

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

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

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

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

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

(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. (2003 Code, § 9-407)

**15-507. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (2003 Code, § 9-408)

**15-508. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the 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. (2003 Code, § 9-409)

**15-509. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (2003 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Junk vehicles not to be left on street right-of-way.
- 15-607. 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 twenty-four (24) 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. (2003 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. (2003 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. (2003 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.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city. (2003 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (2003 Code, § 9-505)

**15-606. Junk vehicles not to be left on street right-of-way.** No person or firm shall leave or allow to be left on any state, county, or city street right-of-way inside the city any motor vehicle of any kind which is incapable of being operated and which it would not be economically practicable to make operative or which does not display a current valid state vehicle registration tag. (2003 Code, § 9-506)

**15-607. 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. (2003 Code, § 9-507)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Deposit of chauffeur's or operators license in lieu of bail.
- 15-703. Failure to obey citation.
- 15-704. Illegal parking.
- 15-705. Impoundment of vehicles.
- 15-706. Disposal of abandoned motor vehicles.
- 15-707. 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. (2003 Code, § 9-601)

**15-702. Deposit of chauffeur's or operator's license in lieu of bail.**

(1) Whenever any person lawfully possessed of a chauffeur's or operator's license issued by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any municipal ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) The officer or the court demanding bail, who receives any person's chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

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<sup>1</sup>State law reference

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

(3) In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charge filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety where disposition by said department shall be made in accordance with provisions of Tennessee Code Annotated. (2003 Code, § 9-602)

**15-703. 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. (2003 Code, § 9-603)

**15-704. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (2003 Code, § 9-604, modified)

**15-705. 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 illegally parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be seventy-five dollars (\$75.00) and the storage cost shall be fifty dollars (\$50.00) for each twenty-four (24) hour period or fraction thereof during which the vehicle is stored. (2003 Code, § 9-605, as amended by Ord. #16-478, April 2016)

**15-706. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated. (2003 Code, § 9-606)

**15-707. Violation and penalty.** Any violation of this chapter 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. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city

recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his fine shall be five dollars (\$5.00). (2003 Code, § 9-604, modified)

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. DRIVEWAYS AND DRAINAGE.
4. PROPERTY NUMBERING SYSTEM.

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

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

**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. (2003 Code, § 16-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (2003 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. (2003 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> (2003 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 board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (2003 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 statute. (2003 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. (2003 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 including, but not limited to, failure to remove obstructions in any drainage ditch or placement or replacement of any drainage tile of inadequate size (in no event shall any drainage tile be less than twelve (12) inches in diameter). (2003 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

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

remove all accumulated snow or ice from the abutting sidewalk. (2003 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (2003 Code, § 12-110)

**16-111. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2003 Code, § 12-112)

**16-112. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (2003 Code, § 12-113)

**16-113. Street acceptance policy.** To provide for the health, safety, and general welfare of the citizens of Church Hill and to insure adequate street rights-of-way and street improvement widths, no proposed street shall be accepted as a public street until it has met the street construction standards of the Subdivision Regulations of Church Hill, has been approved and recommended to the city by the Church Hill Planning Commission, and accepted by the board of mayor and aldermen. (2003 Code, § 12-114)

## CHAPTER 2

### EXCAVATIONS AND CUTS

#### SECTION

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

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or the right-of-way there to 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, tile, or other underground facilities in or under the surface of any street or right-of-way there to 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (2003 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (2003 Code, § 12-202)

**16-203. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if

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

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (2003 Code, § 12-204)

**16-204. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (2003 Code, § 12-205)

**16-205. Restoration of streets, etc.** (1) As a condition of being permitted to do so, 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:

(a) Without unreasonable delay, back-fill any excavation or tunnel in or under any street, alley, or public place to the base of the pavement or a minimum of nine (9) inches below finished grade, whichever is greater, so as to conform the surface configuration of said street, alley, or public place to a condition ready for suitable and appropriate paving or other surfacing; and,

(b) Install any utility or other fixture with bedding and haunching material meeting generally accepted engineering standards, and back-filling any excavation or tunnel in or under any street, alley, or public place with appropriate materials, giving special consideration to the existence of clay or unstable soils, excessive groundwater or other unusual loading conditions. In no case shall any material other than as specified in the "Subdivision Regulations of the Church Hill, Tennessee, Regional Planning Commission" for trenches and back-fill (Article IV. A. 2. d. and e.) be used for back-filling unless approved in writing by the code enforcement officer:

(c) The surfacing shall be done or supervised by the city; if, the surfacing is done by the city the city shall be paid promptly upon

completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made.

(d) In case of unreasonable delay or use of inappropriate materials in restoring any excavation or tunnel in or under any street, alley, or public place:

(e) The code enforcement officer shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will perform the work and charge the expense of doing the same to such person, firm, corporation, association, or others; and,

(f) 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.

(2) The recorder shall give notice of this section in writing to all utility providers within the corporate limits. (2003 Code, § 12-206)

**16-206. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of anyone (1) person in anyone (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in anyone (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in anyone (1) accident, occurrence, or act. (2003 Code, § 12-207, modified)

**16-207. 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 recorder. (2003 Code, § 12-208)

**16-208. Supervision.** The code enforcement officer 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. (2003 Code, § 12-209)

## CHAPTER 3

### DRIVEWAYS AND DRAINAGE

#### SECTION

- 16-301. Purpose of chapter.
- 16-302. Installation of tile may be required.
- 16-303. Requirements for driveways.
- 16-304. Driveway regulations to be promulgated.
- 16-305. Property owner responsible for installing tile; lien on property if city does.
- 16-306. Drainage of wastes into streets prohibited.
- 16-307. Supplementary enforcement authority.

**16-301. Purpose of chapter.** The purpose of this chapter is to regulate the construction of driveways as herein defined so as to prevent insofar as possible the drainage of water and debris into the street of the city and to require the installation of drainage tile so as to prevent the deterioration and damage to said streets and to require proper and adequate drainage along street where necessary to prevent said damage. (2003 Code, § 12-301)

**16-302. Installation of tile may be required.** The mayor, or any official designated by him may, for the protection of the streets of the city, require the owner of any lot or any part of a lot in the city adjoining a public street to install tile or other carrier of water in the drainage ditch at any point where a driveway enters the street from such lot. The tile shall be of a reasonable size and material prescribed by the mayor or other designated official. (2003 Code, § 12-302)

**16-303. Requirements for driveways.** No driveway shall be constructed, reconstructed, improved, altered or changed unless it shall conform to the following requirements:

(1) The driveway shall not extend beyond the property line between the street and the private property adjoining.

(2) The driveway shall be so constructed that no part of the entrance thereof to the street shall be higher than the highest point nor lower than the lowest point in the paved portion of the street upon which it abuts.

(3) Each such driveway shall have installed, at that point where it adjoins the street right-of-way, a tile sufficient to carry the maximum amount of water anticipated, but in no event shall said tile be less than twelve (12) inches in diameter. Provided however, that this section shall not apply to a driveway at the crest of a hill where water will not drain from above. (2003 Code, § 12-303)

**16-304. Driveway regulations to be promulgated.** The mayor or his designated official shall promulgate, or cause to be promulgated, the rules and regulations governing construction, reconstruction, improvements, alterations, or change of driveways abutting upon municipal streets and the installation of tile or other carriers of water in any drainage ditch hereinabove referred to.

Before beginning any such construction, reconstruction, improvement, alteration, or change, the property owner shall obtain a permit to do so from the city recorder. The fee for such permits shall be fifteen dollars (\$15.00) each. Before such construction, reconstruction, improvement, alteration, or change is substantially completed, the property owner shall notify the city recorder of same. The city recorder shall cause an inspection thereof, and give final approval that such activity complies with the rules and regulations as noted above. The property owner shall be required to make whatever alterations and corrections are necessary and required by the city recorder prior to final approval being given for same. (2003 Code, § 12-304)

**16-305. Property owner responsible for installing tile; lien on property if city does.** The property owner of any lot abutting upon a municipal street must furnish the tile required by this chapter and install same at no cost to the city. In case the property owner shall refuse to so install said tile, the city, as an alternative and in the discretion of the mayor, or other designated official, may direct the recorder to give the owner of the abutting lot or lots written notice specifically setting forth the work to be done and the length of time in which same must be done provided that the time fixed thereby shall not be less than thirty (30) days. If the owner of said lot or lots shall thereafter fail or refuse to build or install said tiles or other carriers of water within the time required by said notice and in conformity with the provisions of this chapter and the rules and regulations promulgated by the mayor, or other designated official, the city may do the work or contract for doing same and pay the cost thereof out of the street funds. In the event that the work is done in this manner, all amounts paid by the city shall become a lien upon such lot or property and may be enforced by attachment at law or in equity or in any other manner provided by law and the amount may be recovered against said owner or owners by suit before any court of competent jurisdiction. The city attorney is authorized to proceed to enforce the lien declared and fixed by law under this chapter. (2003 Code, § 12-305)

**16-306. Drainage of wastes into streets prohibited.** All persons are prohibited from discharging any waste, refuse, garbage, or drainage water of any type, except surface rain water, into any street of the city. (2003 Code, § 12-306)

**16-307. Supplementary enforcement authority.** In addition to all other methods of enforcement authorized or described herein the city may

correct any violation hereof by making the installation necessary or correcting any construction, reconstruction, or alteration so as to make the same comply with the provisions of this chapter and may recover from the offending party, including the owner of the property and/or any lessee, tenant, contractor, or subcontractor, the actual amount expended by the city in correcting the violation or bringing the construction into conformity with the provisions of this chapter. The city is further empowered by injunction to restrain the discharge of waste or drainage water, excluding surface water, into the streets. (2003 Code, § 12-307)

## CHAPTER 4

### PROPERTY NUMBERING SYSTEM

#### SECTION

16-401. Uniform numbering system adopted.

16-402. Assignment and display of numbers.

16-403. Administration.

16-404. Violations.

**16-401. Uniform numbering system adopted.** A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Church Hill, Tennessee, Property Numbering System," which is filed in the office of the recorder, is hereby adopted for use in the City of Church Hill. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter. (2003 Code, § 12-401)

**16-402. Assignment and display of numbers.** (1) All properties or parcels of land within the corporate limits of Church Hill shall hereafter be identified by reference to the uniform numbering system adopted herein and all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six (6) months after June 18, 1974.

(2) A separate number shall be assigned for each fifty (50) feet of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner so as to be visible from the street on which the property is located and shall be three (3) inches high. (2003 Code, § 12-402)

**16-403. Administration.** (1) The municipal building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-402.

(2) The building inspector shall keep a record of all numbers assigned under this chapter. (2003 Code, § 16-403)

**16-404. Violations.** Any violation of this chapter shall be a misdemeanor. (2003 Code, § 12-404)

## TITLE 17

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

#### CHAPTER

#### 1. GARBAGE AND TRASH.

#### CHAPTER 1

#### GARBAGE AND TRASH

#### SECTION

- 17-101. Prohibited acts.
- 17-102. Containers protected.
- 17-103. Private trash inspection prohibited.
- 17-104. Containers must be used.
- 17-105. Penalty.
- 17-106. Fees for extra pick-up.
- 17-107. Sanitation officers designated.
- 17-108. Pick-up of brush and large items of garbage and debris.
- 17-109. Maximum time curbside.
- 17-110. Separation for recycling.
- 17-111. Refuse at curbside restricted.
- 17-112. Additional penalties.

**17-101. Prohibited acts.** It shall be unlawful for any person, other than an owner or occupant to place or deposit any type of refuse, garbage, trash, or any other unwanted material in any privately owned, operated, or placed refuse container on the property of any other person or business entity without permission of that person or entity. (2003 Code, § 8-201)

**17-102. Containers protected.** It shall be unlawful for any person, other than the owner of said refuse container to uncover, move, remove, deface, or damage the refuse container in any manner. (2003 Code, § 8-202)

**17-103. Private trash inspection prohibited.** It shall be unlawful for any person to rifle through, pilfer, dig into, or otherwise disturb, scatter, or tamper with the contents of any refuse container. This section is not intended to prohibit the owner or occupant of the property from retrieving articles mistakenly placed in the container. (2003 Code, § 8-203)

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

**17-104. Containers must be used.** It shall be unlawful for anyone, including the owner or occupant of property lawfully using the refuse container, to strew, lay, place, or otherwise deposit trash, garbage, litter, or any unwanted materials close to or in the vicinity of the container instead of inside the container. (2003 Code, § 8-204)

**17-105. Penalty.** Any person violating any provision of this chapter shall be guilty of an offense and upon conviction shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense and each day that trash and litter is allowed by the owner or occupant to lay in the vicinity of the trash container shall be a separate offense. (2003 Code, § 8-205)

**17-106. Fees for extra pick-up.** Property owners or residents who utilize more than one (1) refuse container or who require refuse collection more than once a week shall be charged a fee established by resolution of the board of mayor and alderman for each trash pick-up in excess of one (1) refuse container service per week. Refuse containers may be emptied at the request of the container's owner or user or at the instance of the city, if its sanitation officers determine that the container is full and must be emptied to avoid trash being deposited outside the container. (2003 Code, § 8-206)

**17-107. Sanitation officers designated.** The employees of the public works department of the City of Church Hill are hereby designated sanitation officers for the purpose of enforcing the provisions of this chapter and are authorized and empowered to issue appropriate citations for violations thereof. (2003 Code, § 8-207)

**17-108. Pick-up of brush and large items of garbage and debris.** The city shall collect brush as hereinafter defined on the first Thursday of each month. Tree stumps, trunks, limbs, roots, leaves and other clippings resulting from normal maintenance and care, annual life cycle, or from landscaping or beautification of property will be removed by the City of Church Hill provided that the following conditions are met:

- (1) All stumps, trunks, limbs, roots and other clippings must be cut in to not more than six (6) foot lengths;
- (2) No single piece may exceed fifty (50) pounds in weight;
- (3) Each piece shall be placed on the resident's property where normal garbage and trash pick-up occurs;
- (4) Leaves and other clippings shall be removed only if placed in appropriate containers.

Other large items of garbage and debris will be picked up by the City of Church Hill, Tennessee, on the third Thursday of each month. (2003 Code, § 8-208)

**17-109. Maximum time curbside.** Brush and large items of garbage and debris may not be placed at curbside on or near the resident's property where normal garbage and trash pick-up occurs more than seven (7) days in advance of the scheduled pick-up without having first obtained a permit to do so from the city recorder. There shall be no charge made by the city recorder for the issuance of such a permit. (2003 Code, § 8-209)

**17-110. Separation for recycling.** Brush, large items of garbage and debris, and other refuse shall be separated by residents in to like-groups prior to the pick-up of such objects so as to facilitate the recycling of such items to the extent possible. These separated objects shall be placed curbside for pick-up. (2003 Code, § 8-210)

**17-111. Refuse at curbside restricted.** It shall be a municipal offense to place any item defined in this chapter as garbage, brush, debris, or refuse which is intended for pick up by the City of Church Hill, Tennessee, at any place other than at the resident's property where normal garbage and trash pick-up occurs. (2003 Code, § 8-211)

**17-112. Additional penalties.** Violation of §§ 17-109 through 17-111 are declared to be violations of the Church Hill Municipal Code subjecting violators to a fine of not more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense and each day such brush, garbage, debris, or refuse shall remain in violation of this chapter shall constitute a separate offense. (2003 Code, § 8-212)

## TITLE 18

### WATER AND SEWERS

#### CHAPTER

1. GENERAL PROVISIONS.
2. ADMINISTRATION.
3. GENERAL WASTEWATER DISPOSAL REQUIREMENTS.
4. PRIVATE WASTEWATER DISPOSAL SYSTEMS AND HOLDING TANKS.
5. PRETREATMENT.
6. WASTEWATER DISCHARGE PERMITS.
7. REPORTING REQUIREMENTS.
8. COMPLIANCE MONITORING.
9. ENFORCEMENT.
10. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.
11. FEES AND BILLING.
12. SYSTEM EXPANSION.

#### CHAPTER 1

### GENERAL PROVISIONS

#### SECTION

- 18-101. Purpose and policy.
- 18-102. Abbreviations.
- 18-103. Definitions.
- 18-104. Confidential data.
- 18-105. Special agreements; extraterritorial application.
- 18-106. Retention of records.
- 18-107. Time of report filing.
- 18-108. Regulation of wastewater received from other political jurisdictions.

**18-101. Purpose and policy.** This title sets forth uniform requirements for users of the Publicly Owned Treatment Works of the City of Church Hill and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.), and general pretreatment regulations set out in 40 CFR, Part 403.

This title shall apply to all users of the publicly owned treatment works whether located inside the city or outside the city. This title authorizes issuance of wastewater discharge permits; provides for monitoring, compliance, recordkeeping, pretreatment and enforcement; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The objectives of this title are to:

- (1) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) Prevent the introduction of pollutants into the publicly owned treatment works that will pass through inadequately treated into receiving waters, or otherwise be incompatible with the Publicly owned treatment works;
- (3) Protect publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment, and the general public;
- (4) Promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
- (6) Enable the City of Church Hill to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject. (2003 Code, § 13-101)

**18-102. Abbreviations.** The following abbreviations, when used in this title, shall have the meanings hereby designated:

BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
COD -	Chemical oxygen demand
EPA -	U.S. Environmental Protection Agency
mg/l -	milligrams per liter
NPDES -	National Pollutant Discharge Elimination System
POTW -	Publicly Owned Treatment Works
RCRA -	Resource Conservation and Recovery Act
SIC -	Standard Industrial Classification
TSS -	Total Suspended Solids
U.S.C. -	United States Code (2003 Code, § 13-102)

**18-103. Definitions.** For the purposes of this title, the word shall is mandatory and the word may is permissive. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

Captions of sections and sub-sections are a matter of convenience for reference only and shall not control or affect the meaning or construction of any term or provision hereof.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, 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) "Administrator." Administrator of the EPA.
- (3) "Approval authority." Regional administrator of the EPA; or the state director if the state has an approved pretreatment program.
- (4) "Authorized representative of a user." (a) If the user is a corporation:
  - (i) The president, chief executive officer, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (ii) The manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the user is a federal, state, or local governmental facility: a director or highest official, elected or appointed, designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraphs (a) through (c) above, may designate another authorized representative if the authorization is submitted to the director in writing, and the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company.
- (5) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees (20°) centigrade, usually specified as a concentration (e.g., milligrams per liter (mg/l)).
- (6) "Building sewer." The extension from the building drain to the public sewer or other place of disposal.
- (7) "Categorical standard or categorical pretreatment standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C. § 1317, which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.
- (8) "City." The City of Church Hill, Tennessee.
- (9) "Collector line." A line that receives wastewater from individual residences, businesses or corporations via lateral sewers.

(10) "Compatible pollutant." shall mean BOD, suspended solids, pH, oil and grease, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(11) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the mayor when the city has an approved pre-treatment program under the provisions of 40 CFR § 403.11.

(12) "Compliance order." An order signed by the director that identifies a series of events the user must take, along with a prescribed timetable, to achieve compliance with the requirements of this title, any permit requirement, or any other valid order.

(13) "Conventional pollutant." As defined by federal law, these include BOD, TSS, fecal coliform bacteria, oil, grease and pH.

(14) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(15) "Customer." Means 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.

(16) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the state.

(17) "Director." The director of public works of the City of Church Hill, Tennessee, or a duly authorized representative; the control authority as specified by 40 CFR § 403.12.

(18) "Domestic wastewater." Wastewater that is generated by a single-family residence, apartment or residential unit. Specifically excluded from this definition is any categorical or significant industrial facility.

(19) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate the regional water management division director, or other duly authorized official of said agency.

(20) "Existing source." Any source of discharge, the construction or operation of which commenced prior to publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

(21) "Garbage." Solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(22) "Grab sample." A sample which is taken from a waste stream with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) "Holding tank waste." Any waste from holding tanks such as, but not limited to, vessels, chemical toilets, trailers, septic tanks and vacuum pump tank trucks.

(24) "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

(25) "Indirect discharge." The introduction of pollutants into the POTW from any non-domestic source, including holding tank waste, regulated under § 307(b), (c) or (d) of the Act.

(26) "Industrial user." A non-domestic source of wastewater entering the POTW.

(27) "Interceptor out-fall sewer." A sewer that receives wastewater from a collecting system or from a treatment plant and carries it to a point of final discharge. The size of these lines is generally greater than ten (10) inches in diameter.

(28) "Interference." A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or, is a cause of a violation of the city's NPDES permit; or, prevents sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(29) "Lateral sewer." The pipe running from the property line where it is connected to the building sewer from the individual residence or business, to the POTW collector line.

(30) "Mass-based standards or limits." The actual mass of pollutants in a wastewater stream per unit of time or production.

(31) "Medical waste." Isolation waste, infectious agents, human blood and blood products, pathological waste, sharps, body parts, contaminated bedding, surgical waste, potentially contaminated laboratory waste, and dialysis waste.

(32) "National categorical pre-treatment standard or pre-treatment 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.

(33) "NPDES (National Pollutant Discharge Elimination System.)" The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 402, 318, and 405 of the Clean Water Act (CWA).

(34) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under authority of §307(b) of the Act and 40 CFR, part 403.5.

(35) "New source" (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of sub-paragraphs (a)(ii) or (iii) above but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous on site construction program any placement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(ii) Has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

(36) "Non-contact cooling water." Water used for cooling which does not come into direct contact with any raw material, intermediate products, waste products or finished products.

(37) "Non-conventional pollutant." All pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR part 401.

(38) "Non-domestic source." Any source of discharge of wastewater from any facility other than a residential unit meeting the requirements of a domestic wastewater producer.

(39) "Notice of Violation (NOV)." A written notice signed by the director that notifies a user that a violation of any permit requirement, any provision of this title, or any other valid order has occurred and describes the facts of the violation.

(40) "Pass through." A discharge which exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

(41) "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. This shall include all federal, state and local governmental entities.

(42) "pH." A measure of the acidity or alkalinity of a solution. The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions measured in grams per liter of solution and expressed in Standard Units (SU).

(43) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(44) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, industrial, municipal and agricultural waste discharged into water, or, wastewater having been changed in pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor.

(45) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means except by diluting the concentration of pollutants unless allowed by an applicable pretreatment standard.

(46) "Pretreatment requirement." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a National Pretreatment Standard imposed on an industrial user.

(47) "Pretreatment standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(48) "Private waste disposal system." A septic tank, cesspool or other facility intended for the disposal of wastewater.

(49) "Prohibited discharge standards or prohibited discharges." Absolute prohibitions against the discharge of certain substances as set out in §18-305 of this title.

(50) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by 33 U.S.C. § 1292 and owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial waste of a liquid nature and any pipes which convey wastewater to a treatment plant.

(51) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(52) "Public sewer." A sewer controlled or maintained by the city.

(53) "Residential unit." A structure used primarily as housing and generating wastewater that includes but is not limited to human waste, kitchen waste, domestic wash water and bath water. If there is located within, or upon the same property as a residential unit, any process, commercial activity, or any other activity that generates wastewater not included above, such wastewater shall not be classified as domestic wastewater.

(54) "Service area." The geographic area in which wastewater treatment services are made available by the city.

(55) "Service line." The sanitary sewerage line running from the individual user's premises to the lateral at the property line, or other place of disposal. The size of these lines is generally four (4) inches in diameter.

(56) "Shall." is mandatory; may - is permissive.

(57) "Significant industrial user." Any industrial user who:

(a) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or

(b) A user that:

(i) Discharges twenty-five thousand gallons (25,000) or more per average work day of process wastewater to the POTW, excluding sanitary, non-contact cooling and boiler blowdown wastewater; or

(ii) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(iii) Is designated by the director as having the reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

(58) "Significant noncompliance." A status or condition existing if an industrial user's discharge meets one or more of the following criteria:

(a) Chronic violation of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all measurements taken during a six (6) month period exceed by any magnitude the daily maximum limit or the average limit for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC. (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the director determines has caused, alone or in combination with other discharges, interference or pass through, or, endangers the health of POTW personnel or the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(b) of 40 CFR 403.8, to halt or prevent such a discharge.

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the director determines will adversely affect the operation or implementation of the local pretreatment program. (40 CFR 403.8(f)(2)(vii)).

(59) "Sludge." Solid, semi-solid or liquid residue generated during treatment of domestic or industrial sewage in a treatment works.

(60) "Slug." Any discharge of a non-routine episodic nature including but not limited to an accidental spill or non-customary batch discharge or any discharge violating the specific prohibitions under 40 CFR 403.5(b).

(61) "State." The State of Tennessee.

(62) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(63) "Storm water." Any flow of water resulting from any form of precipitation.

(64) "Storm sewer or storm drain." A pipe or conduit which carries storm and surface water and drainage, excluding domestic and industrial waste or wastewater.

(65) "Suspended Solids or Total Suspended Solids (TSS)." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering by approved procedures according to 40 CFR 136.

(66) "Toxic material." Any substance or compound containing such substance as set out in 40 CFR 401.15.

(67) "Treatment plant." That portion of a POTW designed to treat wastewater.

(68) "Trunkline." The sanitary sewerage line that receives the sewage effluent from the various collector lines (minimum size of eight (8) inches in diameter).

(69) "Twenty-four (24) hour flow proportional composite sample." a sample consisting of several sample portions collected during a twenty-four (24) hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(70) "User." Any person who contributes, causes or allows the contribution of wastewater into the POTW.

(71) "Wastewater." Industrial or domestic liquid waste from dwellings, commercial buildings, industrial or manufacturing facilities and institutions, together with any groundwater, surface water or storm water that may be present, whether treated or untreated, which is contributed to or allowed to enter the POTW.

(72) "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in a single ownership which do not combine or effect a junction with natural surface or underground waters.

(73) "Wastewater discharge permit." A control document issued by the director authorizing conditional discharge of pollutants into the POTW as specified in chapter 6 of this title. (2003 Code, § 13-103)

**18-104. Confidential data.** (1) User information or data obtained from reports, surveys, questionnaires, permit applications, wastewater discharge permits, monitoring programs, or from the director's inspection and sampling activities, shall be made available to the public or other governmental agencies in conformance with Tennessee Code Annotated, § 10-7-503 et seq., without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge

information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(2) No employee or officer of the city may disclose or use for his private advantage any business information which came into his possession, or to which he gained access, by virtue of his official position or employment, except as authorized by the written policy for handling confidential information. A copy of this policy shall be on file in the office of the director. (2003 Code, § 13-104)

**18-105. Special agreements; extraterritorial application.** (1) This title shall not be construed to prevent special agreements or arrangements between the city and any user of the POTW whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to payment of 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 waste without interfering with operations, sludge use and handling, or allowing pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without adequate documentation by the user of sound operation and management practices in reduction of wastewater volume and strength.

Any agreement pursuant to this section shall be null, void, and no longer of effect upon the occurrence of any of the following:

- (a) Interferes with POTW operations; or
- (b) Interferes with sludge use, handling, or disposal; or
- (c) Causes pass-through of pollutants; or
- (d) Endangers the health of POTW personnel, environment, or the general public; or
- (e) Causes a violation of the city's NPDES permit; or
- (f) Causes failure of toxicity tests.

(2) This title shall apply to all persons in the system service area whether inside or outside the corporate limits of the City of Church Hill, Tennessee. (2003 Code, § 13-105)

**18-106. Retention of records.** All records and reports required by this title shall be retained for a minimum of three (3) years and shall be made available for inspection and copying by the director or appropriate state or federal agencies. This period of retention shall be extended during the course of any unresolved litigation regarding the user, or when requested by the director or appropriate state or federal agencies. (2003 Code, § 13-106)

**18-107. Time of report filing.** Written reports shall be deemed to have been submitted on the date of receipt by the director. (2003 Code, § 13-107)

**18-108. Regulation of wastewater received from other political jurisdictions.** (1) If another public agency, as defined by Tennessee Code Annotated, § 12-9-103, contributes wastewater to the POTW, said public agency shall, prior to connecting to the POTW, enter into an inter-local agreement with the city as authorized by the Tennessee Interlocal Co-operation Act.

(2) Prior to entering into an agreement required by subsection (1), above, the contributing public agency shall provide the director with the following information:

(a) A description of the quality and volume of wastewater to be discharged to the POTW by the contributing public agency;

(b) An inventory of all users located within the contributing public agency that will be discharging to the POTW; and

(c) Such other information as the director may deem necessary.

(3) An inter-local agreement, as required by subsection (1), above, shall contain but not be limited to, the following conditions:

(a) A requirement that a contributing public agency adopt a sewer use ordinance which is at least as stringent as this title and local limits which are at least as stringent as those set out in §§ 18-305 and 18-306 of this title. The agreement shall specify that such ordinance and limits shall be revised as necessary to reflect changes made to this ordinance or local limits;

(b) A requirement for the contributing public agency to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing public agency; which of these activities will be conducted by the city; and which of these activities will be conducted jointly by the contributing public agency and the city;

(d) A requirement for the contributing public agency to provide the director with access to all information the contributing public agency obtains as part of its pretreatment activities;

(e) Limits on the nature, quality and volume of the contributing public agency's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing public agency's discharge;

(g) A provision ensuring the director, or his designee, access to the facilities of users located within the contributing public agency's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the director; and

(h) A provision providing that any proposed new non-domestic user shall complete an application questionnaire, in a form approved by the director, prior to discharging to lines connected to the POTW; and

(i) A provision specifying remedies available for breach of the terms of the inter-local agreement.

(4) Any contributing public agency shall also comply with all parts of chapters 3 through 11 of this title. (2003 Code, § 13-108)

## CHAPTER 2

### ADMINISTRATION

#### CHAPTER

- 18-201. Requirements for proper wastewater disposal.
- 18-202. Duties and authority of the director.
- 18-203. Wastewater appeals board created.
- 18-204. Duties and authority of wastewater appeals board.
- 18-205. Depreciation escrow account.
- 18-206. Contract with first utility district authorized.

**18-201. Requirements for proper wastewater disposal.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Church Hill, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge into any waters of the state within the service area of the City of Church Hill Wastewater Treatment System any sewage or other polluted fluids except where suitable treatment has been provided in accordance with subsequent provisions of this title.

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

(4) Except as provided in this section, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the service area and abutting on any street, or right-of-way in which there is located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this title and the plumbing requirements of the city within sixty (60) days after date of official notice to do so, provided that said sewer is available to the property. Any residence, business or industrial establishment having had sewers available for sixty (60) days shall be considered a user whether connected or not and shall be subject to paying the appropriate user fees and charges or industrial recovery charges as set by ordinance.

(5) An industrial facility may discharge wastewater into the waters of the state provided that it 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. Such facility shall be considered a user of the public sewers of the POTW only if it contributes, causes or permits the contribution of wastewater into the city's POTW.

(6) Where a public sanitary sewer is not available under the provisions of this title, the building shall be connected to a private sewage disposal system complying with the provisions of chapter 3 of this title. (2003 Code, § 13-201)

**18-202. Duties and authority of the director.** Except as otherwise provided herein, the mayor through the director of public works, hereinafter called "director," shall administer, implement and enforce the provisions of this title by and through the department of public works.

(1) The director shall have the following specific powers, duties and responsibilities which may be delegated by the director to other city personnel:

(a) Administer and enforce a pretreatment program in accordance with 40 CFR 403, federal pretreatment program requirements, Tennessee Code Annotated, §§ 69-3-123 - 69-3-129 and the provisions of this title;

(b) Develop and implement a uniform enforcement response plan;

(c) Recommend a schedule of civil penalties for violations of this title;

(d) Maintain all records required by chapters 1 through 10 of this title; and

(e) Issue emergency orders.

(2) The director shall have the following powers, duties and responsibilities which shall not be delegated:

(a) Issue, modify or revoke permits and exceptions, subject to rights of appeal set out herein;

(b) Issue notices of violation whenever it is found that a user has violated, or is violating any permit requirement, order or any provision of this title. Such notice of violation may require submittal of a plan of correction by the user;

(c) Sign and issue consent orders assuring voluntary compliance, including necessary remedial or preventive action, according to a fixed time schedule;

(d) Issue compliance orders;

(e) Conduct show-cause hearings to review facts of alleged violations in order to determine and pursue any appropriate enforcement remedy;

(f) Levy civil penalties for violation of this title, for damages to the POTW, or, for injury to POTW personnel; and

(g) Request the First Utility District of Hawkins County, Tennessee, the Church Hill Utility District, or any other utility supplying potable water terminate water service, terminate sewer service, or both, in conformance with this title.

(3) In the absence or incapacity of the director, and in the event of an emergency, the mayor or his designee shall assume all duties and

responsibilities of the director unless the director shall have previously appointed a person to serve in his stead. (2003 Code, § 13-202)

**18-203. Wastewater appeals board created.** (1) There is hereby created and established, pursuant to Tennessee Code Annotated, §§ 69-3-123 et seq., the wastewater appeals board, hereinafter referred to as "appeals board," which shall be composed of four (4) members as follows:

(a) A member of the board of mayor and aldermen, who shall serve as chairman, but shall have no vote unless there be a tie among voting members.

(b) The city recorder, who shall be an ex officio member.

(c) A faculty member of a local institution of higher learning with an extensive background in environmental science or health who shall be appointed by the mayor, subject to confirmation by the board of mayor and aldermen, for a period of three (3) years. Neither such member, nor their spouse, shall be employed by, or retired from, any business that is a non-domestic sanitary sewer user of the city, or, have any financial interest, direct or indirect, in any such non-domestic sanitary sewer user.

(d) A professional engineer licensed to practice in the State of Tennessee, who shall be nominated by the mayor subject to confirmation by the board of mayor and aldermen, for a period of two (2) years. Neither such member, nor their spouse, shall be employed by, or retired from, any business that is a non-domestic sanitary sewer user of the city, or, have any financial interest, direct or indirect, in any such non-domestic sanitary sewer user.

(2) All appeals board members shall serve without pay or other compensation.

(3) The appeals board shall promulgate such procedural rules as may be deemed necessary in the interest of justice, fairness and impartiality. (2003 Code, § 13-203)

**18-204. Duties and authority of wastewater appeals board.** The appeals board shall have the power, duty and responsibility to:

(1) Hear appeals from orders issued by the director assessing penalties or damages, or revoking or modifying permits;

(2) Affirm, modify or revoke such actions or orders of the director;

(3) Issue notices of appeals, and subpoenas requiring attendance of witnesses, and the production of evidence;

(4) Administer oaths and examine witnesses;

(5) Take such testimony as the appeals board deems necessary; and

(6) Hear appeals of applicants or users for the purpose of reviewing the denial of a permit, or imposition of terms or conditions in permits, or any exceptions granted by the director. (2003 Code, § 13-204)

**18-205. Depreciation escrow account.** A special account designated "Wastewater Treatment System - Depreciation Escrow Account" is to be maintained. Once the annual operating budget for the wastewater treatment system is set, one-twelfth (1/12) of that annual figure designated as "depreciation" shall be set aside from the revenue received each month and deposited in the above described account. The account balance may be allowed to accumulate until the account balance equals or exceeds the annually budgeted line item amount for depreciation. (2003 Code, § 13-205)

**18-206. Contract with first utility district authorized.** The City of Church Hill, Tennessee, may contract with the First Utility District of Hawkins County, Tennessee, to provide for the billing of the sewer bills from the city's wastewater treatment system, for the disconnection of water service in the event of delinquent sewer bills, for the payment of these services, for the adjustment of sewer bills, for the repair of city streets used by the First Utility District, and for establishing a formal relationship between the parties. (2003 Code, § 13-206)

**CHAPTER 3****GENERAL WASTEWATER DISPOSAL REQUIREMENTS****SECTION**

- 18-301. Requirements for proper wastewater disposal.
- 18-302. Physical connections to the public sewer.
- 18-303. Inspection of connections.
- 18-304. Maintenance of building sewers.
- 18-305. Prohibited discharges.
- 18-306. Restrictions on wastewater strength.
- 18-307. Application for exception to discharge criteria.
- 18-308. Conditions applicable to exceptions.
- 18-309. Review of application for exception by the director.

**18-301. Requirements for proper wastewater disposal.** (1) It shall be unlawful to discharge to any waters of the state any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this title.

(2) Except as hereinafter provided, it shall be unlawful to construct or maintain a private wastewater disposal system within the city.

(3) Except as provided in this section, the owner and/or occupant of any house, building or property used for human occupancy, employment, industry, recreation or other purposes situated, where sewers are available, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this title and the plumbing codes of the city within sixty (60) days after the date of official notice to do so, provided that said sewer is within two hundred (200) feet of the structure and at suitable elevation. For purposes of this section, "suitable elevation" shall be applicable only to residential structures. For all other uses, the owner is required to connect to the sewer by any means available including the use of a pump to carry the sewage to a higher elevation provided pumping equipment is commercially available to accomplish this task. Any residence, business or industrial establishment having sewers available for sixty (60) days shall be considered a user whether connected or not and shall be subject to paying all valid charges imposed by the city code and appropriate fees as established by resolution of the board of mayor and aldermen.

(4) Where a sewer is not available, the building shall be connected to a private wastewater disposal system complying with the provisions of chapter 4 of this title and any requirements of the state.

(5) An industrial facility may discharge wastewater to the waters of the state provided that it obtains an NPDES permit and meets all the requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state or federal statutes and regulations. Such facility shall be considered a user of the public sewers or the POTW only if it contributes, causes or permits the contribution of wastewater into the POTW.

(6) All industrial users not holding an NPDES permit shall be required to connect to the POTW if a public sewer is available.

(7) Trunk and interceptor lines and appurtenances outside the city limits must be installed to meet the code specifications of the city then in effect. Upon completion and prior to acceptance by the board of mayor and aldermen each project or addition must be inspected to insure code compliance. The transfer of ownership of each addition must include easements for maintenance and the exclusive right to control the lines and appurtenances as set forth in the governing codes. (2003 Code, § 13-301, as amended by Ord. #11-445, July 2011)

**18-302. Physical connections to the public sewer.** (1) All sanitary sewers and appurtenances to be connected to the POTW, whether located inside or outside the city limits, shall be installed in conformance with state and city code specifications then in effect. Upon completion and prior to acceptance by the board of mayor and aldermen, each project or addition shall be inspected and approved by the city to ensure compliance. Building sewers and service lines 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 Federation Manual of Practice No. 9. No other conduit shall be laid parallel to and within five (5) feet of any house sewer. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(2) No acceptance shall be made of sewers or sewer lines unless and until easements are provided for maintenance with the exclusive right to control the lines and appurtenances as set forth in the governing codes.

(3) No person shall fill, cover, uncover, make any connection to, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(4) 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. The director shall assess a charge against the user for work required to repair damages and add such charge to the user's sewer service charge.

(5) Building sewers shall conform to all applicable building and plumbing codes of the city.

(6) Previously existing building sewers may be used in connection with new buildings only when they are found upon examination and testing by the city to meet all requirements of this title. All others shall be sealed to the specifications of the building official.

(7) No person shall connect roof down spouts, exterior foundation drains, areaway drains or any other drain used exclusively for the carrying away of precipitation, ground water, or surface water run-off to a building sewer

which is connected directly or indirectly to the POTW, unless specifically authorized by the director.

(8) Each building connected with a sanitary sewer shall have its own separate building sewer connecting it with the sanitary sewer main, except that when several small houses are on the same lot and have the same owner, they may, if approved by the building official, have their separate fixtures connected with one large house sewer. Each apartment or dwelling unit within a building shall be considered as a separate customer and shall be billed accordingly, at prevailing rates. (2003 Code, § 13-302)

**18-303. Inspection of connections.** All connections from the building to the public sewer line shall be inspected by the city to ensure compliance with this title and all building code requirements. (2003 Code, § 13-303)

**18-304. Maintenance of building sewers.** Each individual user of the POTW shall be entirely responsible for maintenance of the building sewer. Said maintenance shall include repair or replacement as deemed necessary by the city. (2003 Code, § 13-304)

**18-305. Prohibited discharges.** (1) General prohibitions. No user shall introduce, or cause or allow to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. This section shall apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(2) Specific prohibitions. No user shall introduce, or cause or allow to be introduced into the POTW the following pollutants, substances or wastewater:

(a) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

(b) Pollutants which may cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than or equal to 10.5 Standard Units, unless the POTW is specifically designed to accommodate such discharges.

(c) Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW resulting in interference, such as, but not limited to, grease, garbage, 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 grain, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuels or lubricating oil,

mud, or glass grinding or polishing wastes, but in no case solids greater than one-half inch in any dimension.

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(e) Wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat polluted wastewater which causes the temperature at the introduction into the treatment plant to exceed 40°C (104°F), unless the director approves alternate temperature limits.

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(g) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(h) Trucked or hauled pollutants, except at discharge points designated by the director.

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(j) Wastewater which imparts color which cannot be removed by the treatment process to the point of thereby violating the city's NPDES permit.

(k) Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(l) Storm water, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated non-contact cooling water, unless specifically authorized by the director.

(m) Sludge, screenings or other residues from the pretreatment of industrial wastes.

(n) Medical waste, except as specifically authorized by the director in a wastewater discharge permit.

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(q) Fat, oil or grease of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

(r) Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or explosion hazard or

be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.).

(s) Enzymes, hot water, emulsifiers or other agents to cause oil or grease to pass through the user's grease trap or treatment unit designed to remove oil and grease.

(t) Increased use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

(u) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (2003 Code, § 13-305)

**18-306. Restrictions on wastewater strength.** No user shall discharge wastewater which exceeds the standards set out herein in Table "A," User Discharge Restrictions, unless an exception is permitted in this title. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this title.

The director shall monitor the treatment works influent for each parameter in Table "A." Non-domestic users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in Table "A" below. In the event that the influent at the POTW reaches or exceeds the established allowable loadings for these parameters, the director shall initiate technical studies to determine the cause of the influent violation and shall recommend to the board of mayor and aldermen the necessary remedial measures, including but not limited to establishment of new or revised pretreatment levels for these parameters. The director 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.

The following pollutant limits are established to protect against pass through and interference. Unless specifically authorized by the terms of a wastewater discharge permit or special agreement as authorized by § 18-105, no user shall discharge wastewater containing in excess of the following daily maximum or monthly average allowable discharge limits:

**TABLE "A"**  
**USER DISCHARGE RESTRICTIONS**

<b>Pollutant</b>	<b>Daily Maximum Limit (mg/l)*</b>
Ammonia Nitrogen	200.00
Arsenic	0.53
Benzene	0.34
Boron	0.92
Cadmium	0.54
Carbon Tetrachloride	0.27
Chloroform	4.09
Chromium	3.35
Copper	7.89
Cyanide	4.77
Ethylbenzene	0.73
Lead	3.96
MBAS, Surfactants	200.00
Mercury	0.03088
Methylene Chloride	1.75
Molybdenum	2.39
Naphthalene	0.22

**TABLE "A"**  
**USER DISCHARGE RESTRICTIONS**

<b>Pollutant</b>	<b>Daily Maximum Limit (mg/l)*</b>
Nickel	4.99
Phenols, Total	1.85
Phthalates, Total**	2.09
Selenium	3.92

Silver	0.10
Tetrachloroethylene	2.55
Toluene	6.89
Trichloroethylene	1.83
Zinc	7.13
1,1,1 Trichloroethane	4.60
1,2 trans Dichloroethylene	0.13
Oil & Grease	100
Total Suspended Solids (TSS)	250
Biochemical Oxygen Demand (BOD)	250

\* Based on twenty-four (24) hour flow proportional composite samples (if appropriate for parameter.)

\*\* Total Phthalates is defined as the sum of Benzyl butyl phthalate, Bis (2-ethylhexyl) phthalate, Di-butyl phthalate, and Diethylphthalate.

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations of metallic substances are for "total" metal unless indicated otherwise. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (2003 Code, § 13-306)

**18-307. Application for exception to discharge criteria.**

Non-domestic users of the POTW may apply for a temporary exception to the wastewater discharge restrictions established by § 18-306. Exceptions may be granted according to the guidelines set out herein below. The director shall allow applications for temporary exceptions at any time, however, the director 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. Any exception granted shall not exceed one hundred eighty (180) days.

Upon finding that the POTW treatment process may be jeopardized, the director may revoke an exception. (2003 Code, § 13-307)

**18-308. Conditions applicable to exceptions.** A user requesting an exception shall demonstrate to the director that he is making a concentrated

and serious effort to maintain high standards of operation control so that restricted discharges to the POTW are being minimized. If negligence is found, exceptions will be subject to termination. A user requesting an exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (1) Interfere with collection or the operation of the POTW;
- (2) Limit sludge management alternatives or increase the cost of providing adequate sludge management; or
- (3) Pass through the POTW in quantities or concentrations that would cause the POTW to violate its NPDES permit. (2003 Code, § 13-308)

**18-309. Review of application for exception by the director.** All applications for exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following the notification by the director to correct such deficiencies. This thirty day period may be extended upon approval and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days and make a determination. The director shall consider:

- (1) Whether or not the applicant is subject to a national categorical pretreatment standard containing discharge limitations more stringent than those in § 18-306. No exception will be granted if the national categorical pretreatment standard is equal to or more stringent than the discharge restrictions listed in § 18-306;

- (2) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA under provisions of 33 U.S.C. § 1317, and then grant an exception only if such exception is within limitations of applicable federal regulations;

- (3) 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;

- (4) The age of equipment and industrial facilities involved to the extent that such factors affect the quality of wastewater discharge;

- (5) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

- (6) 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.

The appeals board shall hear appeals from the director's decisions. (2003 Code, § 13-309)

**CHAPTER 4****PRIVATE WASTEWATER DISPOSAL SYSTEMS  
AND HOLDING TANKS****SECTION**

18-401. Availability of system.

18-402. Requirements for private domestic systems.

18-403. Regulation of holding tank waste disposal.

18-404. Hauled non-domestic wastewater.

**18-401. Availability of system.** (1) Where the POTW is not available under the provision of § 18-301, the building sewer shall be connected to a private wastewater disposal system complying with provisions of this chapter.

(2) For any residence used for human occupancy where the building is below the elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner may provide a pump suitable for this type of service to provide the necessary lift for the building service. For all other uses where toilet facilities are employed, including office, recreational facility or other establishments used for human occupancy, where the building is below the elevation to obtain proper grade of the gravity service line, but is otherwise accessible to a public sewer, the owner shall provide a pump suitable for this type service to provide the necessary lift for the building service. In any of the above situations, the owner shall be responsible for the maintenance or replacement of the pump.

(3) When a public sewer becomes available, connection shall be made to said sewer within sixty (60) days after date of official notice to do so, and any septic tank or other private disposal facility shall be abandoned. (2003 Code, § 13-401, as amended by Ord. #11-445, July 2011)

**18-402. Requirements for private domestic systems.** (1) Private domestic wastewater disposal systems shall not be constructed within the city until a letter is obtained from the director stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No letter 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 state or the Hawkins County Health Department.

(2) Before commencement of construction of a private wastewater disposal system, the owner shall obtain a written permit from the appropriate state or county agency. It shall be the responsibility of the owner to supply any plans, specifications, and other information needed by such agency(ies).

(3) Private wastewater disposal systems shall not be placed in operation until the installation is approved by the county or state. The work may be inspected at any stage of construction and in any event, the owner shall notify the state or county when the work is ready for final inspection, and before any underground portions are covered.

(4) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate

agency of the state. No septic tanks or cesspools shall be permitted to discharge to the waters of the state except as specifically permitted for the appropriate system.

(5) The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at the owner's expense.

(6) No part of this title shall be construed to interfere with any additional requirements that may be imposed by the state. (2003 Code, § 13-402)

**18-403. Regulation of holding tank waste disposal.** (1) Permit. No person shall clean out, drain or flush any septic tank or any other type of wastewater or excreta disposal system within the city unless such person obtains a permit from the director to perform such acts or services. Any person desiring a permit to perform such services shall file an application on the prescribed form. Upon such application, a permit shall be issued by the director when the conditions of this chapter have been met, provided the director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. The director may require domestic septic tank waste haulers to obtain wastewater discharge permits.

(2) Fees. For each permit issued under the provisions of this chapter, an annual fee shall be paid as established by resolution of the board of mayor and aldermen. Any such permit granted shall be for one (1) full 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 on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The director shall designate approved locations for the emptying and cleaning of all equipment used in the performance of the services rendered as provided for, and it shall be a violation for any person to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all provisions of this title shall be sufficient cause for the revocation of such permit by the director. The possession within the service area by any persons of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or 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 Church Hill. (2003 Code, § 13-403)

**18-404. Hauled non-domestic wastewater.** Non-domestic waste haulers shall be subject to all the provisions of § 18-403, and, in addition:

(1) The director shall require haulers of non-domestic waste or wastewater to obtain wastewater discharge permits. The director may require generators of hauled non-domestic waste to obtain wastewater discharge permits. The director may also prohibit the disposal in the POTW of hauled non-domestic waste. The discharge of hauled non-domestic waste is subject to all other requirements of this title.

(2) Non-domestic waste haulers may discharge loads only at locations designated by the director and with the prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require non-domestic waste haulers to provide a waste analysis of any load prior to discharge.

(3) Non-domestic waste haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the non-domestic waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (2003 Code, § 13-404)

## CHAPTER 5

### PRETREATMENT

#### SECTION

- 18-501. National categorical pretreatment standards.
- 18-502. Pretreatment facilities.
- 18-503. Additional pretreatment measures.
- 18-504. Dilution.
- 18-505. New sources.

**18-501. National categorical pretreatment standards.** (1) The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby incorporated by reference, the same as if copied verbatim herein.

(2) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(4) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(5) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (2003 Code, § 13-501)

**18-502. Pretreatment facilities.** Users shall provide wastewater pretreatment as necessary to comply with § 18-306 of this title and shall achieve compliance with all applicable categorical pretreatment standards and local limits within the time limitations specified by EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. Review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this title. (2003 Code, § 13-502)

**18-503. Additional pretreatment measures.** (1) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with requirements of this title.

(2) The director may require, provided just cause exists, any user discharging into the POTW to install and maintain on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil or sand; except that such interceptors shall not be required for domestic users. All interception units shall be of type and capacity approved by the director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired as needed, by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(5) Any industrial, commercial or manufacturing facility having upon the premises any raw material, intermediate material, finished products, byproducts, residue, waste material or other substance that has the potential to adversely impact the POTW, the environment, or the health or safety of POTW personnel may be ordered, at the discretion of the director, to sample or monitor the wastewater stream at the expense of the user. (2003 Code, § 13-503)

**18-504. Dilution.** No user shall ever increase the volume of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who use dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (2003 Code, § 13-504)

**18-505. New sources.** New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable national categorical pretreatment standards before beginning to discharge. Within the shortest time feasible (not to exceed ninety (90) days),

new sources must meet all applicable pretreatment standards. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with such standard. (2003 Code, § 13-505)

**CHAPTER 6****WASTEWATER DISCHARGE PERMITS****SECTION**

- 18-601. Application for discharge of wastewater.
- 18-602. Characteristics of non-domestic or industrial wastewater.
- 18-603. Sampling and monitoring to determine necessity of pretreatment.
- 18-604. Non-domestic wastewater producers -- new connections.
- 18-605. Wastewater discharge permit application contents.
- 18-606. Application signatures and certification.
- 18-607. Applications by significant industrial users and categorical users.
- 18-608. Wastewater discharge permit conditions.
- 18-609. Violation of terms or conditions.
- 18-610. Wastewater discharge permit modifications.
- 18-611. Permit transfers.
- 18-612. Permit revocation or suspension.
- 18-613. Wastewater discharge permit decisions.
- 18-614. Wastewater discharge permit duration.
- 18-615. Wastewater discharge permit contents.
- 18-616. Notice of issuance.
- 18-617. Petition to the director to reconsider.
- 18-618. Wastewater discharge permit renewal.

**18-601. Application for discharge of wastewater.** (1) Applications shall be required from all new dischargers of wastewater, as well as for any existing discharger desiring additional service. Connection to the POTW shall not be made until the application is approved in writing by the city and the building sewer is installed in accordance with § 18-302 of this title.

(2) Receipt of an application for service shall not obligate the city to render such service. If the service applied for cannot be provided in accordance with this title and the city's rules and regulations, the connection charge will be refunded in full and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the director for interim periods if compliance may be assured within a reasonable period of time. (2003 Code, § 13-601)

**18-602. Characteristics of non-domestic or industrial wastewater.** When requested by the director, a non-domestic user shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The director shall prepare a form for this purpose and may periodically require non-domestic users to update this information.

Upon analysis of the wastewater characteristics and the type, volume and nature of activities, processes and material carried out or located upon the user's premises, the director may require a user to obtain a wastewater discharge permit as necessary to carry out the purposes of this title. (2003 Code, § 13-602)

**18-603. Sampling and monitoring to determine necessity of pretreatment.** Any industrial, commercial or manufacturing facility having upon the premises any raw material, intermediate material, finished products, byproducts, residue, waste material or other substance that has the potential to adversely impact the POTW, the environment, or the health or safety of POTW personnel shall be subject to the provisions of § 18-602. (2003 Code, § 13-603)

**18-604. Non-domestic wastewater producers – new connections.** Any user required to obtain a wastewater discharge permit and who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §§ 18-601 *et seq.*, of this title, must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence. (2003 Code, § 13-604)

**18-605. Wastewater discharge permit application contents.** All users required to obtain a wastewater discharge permit shall submit an application accompanied by the fee established by resolution of the board of mayor and aldermen. The director may require all users to submit, as part of an application, the following information:

- (1) All information required by § 18-616 of this title;
- (2) A description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and average and maximum amounts per day of raw materials processed;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information deemed necessary by the director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and shall be returned to the user for revision or completion. Said application shall be re-submitted within thirty (30) days. (2003 Code, § 13-605)

**18-606. Application signatures and certification.** All non-domestic wastewater discharge permit applications and any reports required by this title shall be signed by an authorized representative of the user and contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (2003 Code, § 13-606)

**18-607. Applications by significant industrial users and categorical users.** (1) All significant industrial users (SIUs) or categorical users required to obtain a wastewater discharge permit shall complete and file with the director an application accompanied by the wastewater discharge permit fee established by resolution of the board of mayor and aldermen. Existing unpermitted categorical users shall apply for a wastewater discharge permit within sixty (60) days after the effective date of this title. All other existing unpermitted SIUs shall apply for a wastewater discharge permit within one hundred and eighty (180) days after the effective date. Proposed SIUs shall apply at least one hundred and eighty (180) days prior to connecting to or contributing to the POTW. The director may reduce or extend the deadline for new discharge applications.

(2) The application shall be on a form prescribed by the city and shall include but not be limited to the following information: Name, address, location if different from address and the Standard Industrial Classification (SIC) number of the applicant; wastewater volume; wastewater constituents and characteristics; discharge variations; description of all toxic materials handled on the premises; details showing all POTW connections by size, location and elevation; description of existing and proposed pretreatment facilities and other information deemed necessary by the director. Such additional information may include but is not limited to site plans, floor plans, mechanical and plumbing plans, and details showing all sewer appurtenances by size, location and elevation.

(3) Upon a finding that a user meeting the criteria for an SIU has no reasonable potential for adversely affecting the POTW's operation or for

violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(4) As part of the application for a wastewater discharge permit, any user who elects or is required to construct new or additional facilities for pretreatment shall submit plans, specifications and other pertinent information relative to the proposed construction to the director for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state. 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 a user of the responsibility of modifying the facility as necessary to produce an effluent which complies with the terms of this title and an applicable wastewater discharge permit.

(5) If additional pretreatment, operation or maintenance will be required to meet pretreatment standards, the application shall include the shortest completion 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 section, "pretreatment standards" shall include either a national pretreatment standard, as specified in title 40 CFR, Protection of the Environment, or a pretreatment standard imposed by chapter 5 of this title.

(6) The following conditions shall apply to a completion schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.); however, no time increment shall exceed nine (9) months.

(b) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, at minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(7) The director shall evaluate data furnished by the user and may require additional information. After evaluation and acceptance of the data

furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.

(8) Receipt by the director of a prospective customer's application for a 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 title, the application shall be rejected and the city shall have no liability to provide such service.

(9) The director shall act only on applications containing all the information required in this section. Users who file incomplete applications will be notified by the director 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 such extended period as allowed by the director, he shall deny the application and notify the applicant in writing of such action. (2003 Code, § 13-607)

**18-608. Wastewater discharge permit conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this title and all other applicable regulations, user charges and fees established by the city. (2003 Code, § 13-608)

**18-609. Violation of terms or conditions.** Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this title and subject the permit holder to the penalties set out herein. Obtaining a wastewater discharge permit shall not relieve a user of the obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law. (2003 Code, § 13-609)

**18-610. Wastewater discharge permit modifications.** The director may modify a wastewater discharge permit for good cause, including but not limited to, the following reasons:

(1) To incorporate new or revised federal, state or local pretreatment standards or requirements, permits of industries subject to such standards will be modified to required compliance within nine (9) months of promulgation.

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the permit was issued;

(3) A change in the POTW requiring either a temporary or permanent reduction or elimination of authorized discharges;

(4) Information indicating that a permitted discharge poses a threat to the POTW, city personnel or the receiving waters;

(5) Violation of any terms or conditions of the wastewater discharge permit;

- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator as provided in § 18-611. (2003 Code, § 13-610)

**18-611. Permit transfers.** (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance written notice to the director and the director approves the permit transfer.

(2) Within ten (10) days of completion of the transfer in operational control, but in no case later than ninety (90) days after the date of approval as set out in (1) above, the new owner or operator shall provide written certification to the director that:

- (a) States that the new owner or operator has no immediate intent to change the facility's operations or processes that affect the quality or quantity of the wastewater discharge;
- (b) Identifies the specific date on which the transfer occurred;
- (c) Acknowledges full responsibility for complying with an existing wastewater discharge permit; and
- (d) Contains a statement conforming to § 18-606, hereinabove, signed by the new owner or operator.

(3) Failure to comply with this section shall render the wastewater discharge permit void as of the date of facility transfer. (2003 Code, § 13-611)

**18-612. Permit revocation or suspension.** A wastewater discharge permit is subject to suspension or revocation in whole or in part during its term for cause, including, but not limited to, the following:

- (1) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this title.
- (2) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;
- (3) An unreported change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- (4) Failure to accurately report discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics;
- (5) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (6) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

- (7) Falsifying self-monitoring reports;
- (8) Tampering with monitoring equipment;
- (9) Failure to meet effluent limitations;
- (10) Failure to pay fees, penalties or sewer use charges;
- (11) Failure to meet compliance schedules;
- (12) Failure to complete a wastewater survey or the wastewater discharge permit application; or
- (13) Failure to provide advance notice of the transfer of ownership of a permitted facility.

A wastewater discharge permit shall be voidable upon cessation of operations. Any wastewater discharge permit issued to a particular user shall be void upon issuance of a new wastewater discharge permit to that user for that location. (2003 Code, § 13-612)

**18-613. Wastewater discharge permit decisions.** The director shall evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the director shall determine whether or not to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit only for good cause, which shall be specified in writing to the applicant. (2003 Code, § 13-613)

**18-614. Wastewater discharge permit duration.** A wastewater discharge permit shall be issued for a specified time period, but not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the director. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

A user is authorized to continue discharge under the terms and conditions of an existing permit provided that an application for reissuance of the permit is filed no later than one hundred eighty (180) days prior to the expiration date for the permit. (2003 Code, § 13-614)

**18-615. Wastewater discharge permit contents.** (1) A wastewater discharge permit shall include such conditions as deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(2) Wastewater discharge permits shall contain, but not be limited to, the following:

- (a) A statement indicating the duration of the permit which shall not exceed five (5) years;

(b) A statement that the wastewater discharge permit is non-transferable without prior written approval of the director;

(c) Effluent limits based on applicable pretreatment standards;

(d) Self monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law; and

(e) A statement of applicable civil penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(3) Wastewater discharge permits may contain, but need not be limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(g) A statement that compliance with the wastewater discharge permit does not relieve the user of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(h) Requirements for submission of technical reports of discharge characteristics;

(i) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater being introduced into the POTW;

(j) Requirements for notification of slug discharges; and

(k) Other conditions as deemed appropriate by the director to ensure compliance with this title, and state and federal laws, rules, and regulations. (2003 Code, § 13-615)

**18-616. Notice of issuance.** Each completed application shall be evaluated and if a tentative decision to issue a permit is made, then the director shall prepare a draft permit for review by the user, and, provide public notice of the intent to issue the permit. The director shall issue a copy of the draft permit to the user with the stipulation that written comments concerning the draft permit shall be submitted within thirty (30) days of receipt thereof, and also make the draft permit available to all interested parties. All comments received within the comment period shall be considered by the director prior to issuance of the final permit. (2003 Code, § 13-616)

**18-617. Petition to the director to reconsider.** (1) Any person, including the user, may petition the director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) If the director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. The director shall provide notice to the user of his failure to act and such notice shall include the rationale for the failure to act.

(4) A decision by the director not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit as requested may be reviewed by the appeals board.

(5) An appeal pursuant to § 18-918 may be filed concurrent with or in lieu of a petition to reconsider. (2003 Code, § 13-617)

**18-618. Wastewater discharge permit renewal.** A user with an expiring wastewater discharge permit shall apply for a new wastewater discharge permit by submitting a complete permit application in accordance with this title not less than one hundred eighty (180) days prior to expiration of the existing permit. (2003 Code, § 13-618)

## CHAPTER 7

### REPORTING REQUIREMENTS

#### SECTION

- 18-701. Baseline monitoring reports.
- 18-702. Compliance schedule progress reports.
- 18-703. Reports on compliance with categorical pretreatment standard deadline.
- 18-704. Periodic compliance reports.
- 18-705. Reports of changed conditions.
- 18-706. Reports from unpermitted users.
- 18-707. Notice of violation/repeat sampling and reporting.
- 18-708. Notification of accidental discharge and control plans.
- 18-709. Slug reporting and control.
- 18-710. Slug control plan.
- 18-711. Notification of the discharge of hazardous waste.
- 18-712. Analytical requirements.
- 18-713. Sample collection.
- 18-714. Record keeping.

**18-701. Baseline monitoring reports.** (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical or significant industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) Identifying information. The name and address of the facility, including the name of the operator and owner.

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

(c) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with this article.

(iii) Sampling must be performed in accordance with procedures set out in § 18-711 of this title.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a professional engineer licensed to practice in Tennessee, or, a certified plant engineer certified by the American Institute of Plant Engineers, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-702 of this title. (2003 Code, § 13-701)

**18-702. Compliance schedule progress reports.** The following conditions shall apply to the compliance schedule required by § 18-701(2)(g) of this title:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the director. (2003 Code, § 13-702)

**18-703. Reports on compliance with categorical pretreatment standard deadline.** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in § 18-701(2)(d-g) of this title. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 18-606 of this title. (2003 Code, § 13-703)

**18-704. Periodic compliance reports.** (1) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year, in March and September, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in § 18-710 of this title, the results of this monitoring shall be included in the report. (2003 Code, § 13-704)

**18-705. Reports of changed conditions.** (1) Each user shall notify the director of any changes to the user's operations or system which may alter

the nature, quality or volume of its wastewater at least thirty (30) days before any planned change occurs, or as early as practicable under the circumstances in all other cases.

(2) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §§ 18-601 et seq., of this title.

(3) The director may issue a wastewater discharge permit under chapter 6 of this title or modify an existing wastewater discharge permit under § 18-610 of this title in response to changed conditions or anticipated changed conditions. (2003 Code, § 13-705)

**18-706. Reports from unpermitted users.** All users not required to obtain a wastewater discharge permit shall provide such reports as the director may require. (2003 Code, § 13-706)

**18-707. Notice of violation/repeat sampling and reporting.** If sampling performed by a user indicates a violation, the user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. (2003 Code, § 13-707)

**18-708. Notification of accidental discharge and control plans.**

(1) Protection from accidental discharge. All non-domestic 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 from liquid or raw material storage areas, truck and rail car loading and unloading areas, in-plant transfer or processing and materials-handling areas, and from diked areas or holding ponds. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this title shall be subject, on a case by case basis, to a special permit condition or the requirement for the construction of facilities and establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans of facilities and operating procedures required by this subsection shall be submitted to the director before the facility is constructed. Review and approval of said plans and operating procedures will in no way relieve the user of responsibility for modifying the facility to provide the protection necessary to meet the requirements of this title.

(2) Notification of accidental discharge. Any person causing or suffering any accidental discharge shall, immediately upon becoming aware of such discharge, notify the director or his designated representative by telephone

to enable counter-measures to be taken to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. This notification shall be followed within five (5) days of the date of the occurrence by a detailed written statement describing the cause of the accidental discharge and measures being taken to prevent future occurrence. Upon request by a user, the director may grant an exception to the written notification requirement. Such notification shall not relieve the user of liability for any expense, loss or damage to the POTW, natural resources, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this title or state or federal law.

(3) Notice to employees. Employers shall ensure that all employees who may cause, suffer, or become aware of, such discharges are aware of the emergency notification procedure.

(4) Failure to comply with this section shall constitute a violation of this title. (2003 Code, § 13-708)

**18-709. Slug reporting and control.** All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for slug discharges.

(1) Any user who has a history of slug discharges shall be subject, on a case by case basis, to a requirement to construct facilities and establish procedures which will prevent or minimize the potential for slug discharges. Such facilities shall be provided and maintained at the user's expense. Detailed plans of facilities and operating procedures required by this sub-section shall be submitted to the director before the facility is constructed. Review and approval of said plans and operating procedures will in no way relieve the user of responsibility for modifying the facility to provide the protection necessary to meet the requirements of this title.

(2) Any person causing or suffering any slug discharge shall, immediately upon becoming aware of such discharge, notify the director or his designated representative by telephone to enable counter-measures to be taken to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. This notification shall be followed within five (5) days of the date of the occurrence by a detailed written statement describing the cause of the slug discharge and 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, natural resources, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this title or state or federal law.

(3) Employers shall ensure that all employees who may cause, suffer, or become aware of, such slug discharges are aware of the emergency notification procedure.

(4) Failure to comply with this section shall constitute a violation of this title. (2003 Code, § 13-709)

**18-710. Slug control plan.** Certain industrial users will be required to develop and implement an accidental discharge/slug control plan under 40 CFR 403.8(f)(2)(v). At least once every two (2) years, the City of Church Hill, Tennessee, shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit such a plan to the City of Church Hill, Tennessee, which at a minimum addresses the following:

(1) Description of discharge practices including non-routine discharges;

(2) Description of stored chemicals, oil, fuel, etc;

(3) Procedures for immediate notification to the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

(4) Procedures to prevent adverse impact from any accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading, operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (2003 Code, § 13-710)

**18-711. Notification of the discharge of hazardous waste.** (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch, or other). If the user discharges more than seventy (70) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and, an estimate of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However,

notifications of changed conditions must be submitted under § 18-705 of this title. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-701 *et seq.*, of this title.

(2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the waste is acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

(5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this title, a permit issued hereunder, or any applicable federal or state law.

(6) All industries permitted by the POTW shall make a one-time notification to the City of Church Hill, Tennessee, on the hazardous waste notification form. Hazardous waste notification forms may be obtained through the office of the director. (2003 Code, § 13-711)

**18-712. Analytical requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (2003 Code, § 13-712)

**18-713. Sample collection.** (1) Except as indicated in sub-section (2) below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a

minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Each grab sample must be analyzed separately. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) A minimum of two (2) grab samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds shall be obtained using grab collection techniques. Grab samples shall be analyzed separately and the results of the grab samples composited.

(3) For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. (2003 Code, § 13-713)

**18-714. Record keeping.** Users subject to the reporting requirements of this title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this title, calibration of monitoring equipment records, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user, or where the user has been specifically notified of a longer retention period by the director. (2003 Code, § 13-714)

## CHAPTER 8

### COMPLIANCE MONITORING

#### SECTION

18-801. Right of entry and inspection.

18-802. Monitoring and sampling facilities.

18-803. Search warrants.

**18-801. Right of entry and inspection.** (1) The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this title and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties required by this title.

(2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

(3) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this title.

(6) While performing the necessary work on private properties, the city and duly authorized employees or agents 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 or agents and the city shall indemnify the company against loss or damage to its property by city employees or agents against the company and growing out of other monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(7) The city will conduct, at minimum, semi-annual wastewater monitoring and semi-annual facility inspections of all permitted industries. (2003 Code, § 13-801)

**18-802. Monitoring and sampling facilities.** (1) The installation of a monitoring facility shall be required for all users regulated by a wastewater

discharge permit. All other users may be required to provide suitable monitoring facilities. The purpose of the facility is to enable inspection, sampling and flow measurement of the wastewater produced by a user.

(2) Monitoring facilities shall be located on the user's premises outside of any building unless an exception is approved by the director in writing.

(3) The director may require separate monitoring facilities to be installed for each source of discharge of a single user.

(4) The monitoring facility shall be a manhole or other suitable facility approved by the director and shall be constructed and maintained at the user's expense.

(5) If sampling or metering equipment is also required by the director, it shall be provided and installed at the user's expense. Such sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. There shall be ample room in or near all monitoring facilities to allow accurate sampling and preparation of samples for analysis.

(6) All monitoring facilities shall be constructed and maintained at the user's expense in accordance with the director's requirements and all applicable local building codes. Construction must be completed not later than one hundred eighty (180) days after permit approval, unless an extension is granted by the director.

(7) All devices used to measure wastewater flow and quality shall be calibrated not less than every three (3) months to ensure accuracy. (2003 Code, § 13-802)

**18-803. Search warrants.** If the director has been refused reasonable access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this title, or that there is a need to inspect or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this title or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the appropriate court. (2003 Code, § 13-803)

**CHAPTER 9**  
**ENFORCEMENT**

**SECTION**

- 18-901. Remedies nonexclusive.
- 18-902. Publication of violations.
- 18-903. Adoption of enforcement response plan.
- 18-904. Notification of violation.
- 18-905. Consent orders.
- 18-906. Show cause hearing.
- 18-907. Compliance orders.
- 18-908. Cease and desist orders.
- 18-909. Emergency suspensions.
- 18-910. Termination of discharge.
- 18-911. Method of assessment.
- 18-912. Assessment for non-compliance with permits or orders.
- 18-913. Civil penalties.
- 18-914. Performance bonds.
- 18-915. Financial assurance.
- 18-916. Water supply severance.
- 18-917. Injunctive relief.
- 18-918. Appeals to wastewater appeal board.
- 18-919. Additional stay.
- 18-920. Judicial review.

**18-901. Remedies nonexclusive.** The remedies provided for in this title are not exclusive and the director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any non-compliant user. (2003 Code, § 13-901)

**18-902. Publication of violations.** The director shall cause to be published annually, in the largest daily newspaper serving the municipality, a list of users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the director 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the director determines will adversely affect the operation or implementation of the local pretreatment program.

If any published violation has been appealed by the user and that appeal has not been resolved, then the published notice shall so indicate. (2003 Code, § 13-902)

**18-903. Adoption of enforcement response plan.** An enforcement response plan, including a schedule of civil penalties which may be assessed for certain specific violations or categories of violations, shall be established by resolution of the board of mayor and aldermen. Any civil penalty assessed to a violator pursuant to this section may be in addition to any other penalty assessed by a state or federal authority. (2003 Code, § 13-903)

**18-904. Notification of violation.** (1) When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of this notice, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take

any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Any notice or order issued pursuant to this title shall also contain notification to the violator of his right of appeal to the wastewater appeals board, or, the right of appeal to the Chancery Court of Hawkins County, Tennessee. (2003 Code, § 13-904)

**18-905. Consent orders.** The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents shall include specific action to be taken by the user to correct the non-compliance within a time period specified in the document. Such documents shall have the same force and effect as orders issued pursuant to §§ 18-907 and 18-908 of this title and shall be judicially enforceable. (2003 Code, § 13-905)

**18-906. Show cause hearing.** The director may order a user which has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user, but shall be a prerequisite for issuing any compliance order, cease or desist order, termination of service, or assessment of civil penalties, except as provided by § 18-909. (2003 Code, § 13-906)

**18-907. Compliance orders.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued upon thirty (30) days written notice, unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement,

nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-907)

**18-908. Cease and desist orders.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-908)

**18-909. Emergency suspensions.** (1) If the director finds that an emergency exists imperatively requiring immediate action to protect the public health, safety or welfare, the health of animals, fish or aquatic life, a public water supply, or the facilities of the POTW, the director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency.

(2) Any user notified of a suspension of its discharge shall immediately eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in § 18-910 of this title are initiated against the user.

(3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under §§ 18-906 or 18-910 of this title.

(4) Nothing herein shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(5) Any user whose discharge is suspended pursuant to this section, on petition to the appeal board shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three (3) working days from the receipt of such a petition by the director. (2003 Code, § 13-909)

**18-910. Termination of discharge.** In addition to the provisions of § 18-612 of this title, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
  - (5) Violation of the pretreatment standards in chapter 5 of this title;
- or
- (6) Failure to pay sewer user charges, administrative penalties, inspection fees, or any other fee or charge authorized herein.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-906 of this title why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (2003 Code, § 13-910)

**18-911. Method of assessment.** Civil penalties shall be assessed in the following manner:

- (1) The director may issue an assessment against any person responsible for the violation;
- (2) Any person against whom an assessment has been issued may secure a review of said assessment by filing with the director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter before the appeals board. If a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the user shall be deemed to have consented to the assessment and it shall become final;
- (3) If any assessment becomes final because of a person's failure to appeal the director's assessment, the director may apply to the appropriate court for a judgment and seek execution of said judgment, and the court in such proceedings shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Upon final order, if payment is not made the director may request the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water terminate water service.
- (4) In assessing civil penalties the director shall consider the following factors:
  - (a) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

- (b) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, and also including any penalties, costs and attorney's fees incurred by the city as the result of the activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;
- (c) Cause of the discharge or violation;
- (d) The severity of the discharge and its effect upon the POTW and upon the quality and quantity of the receiving waters;
- (e) Effectiveness of action taken by the violator to provide a remedy;
- (f) The technical and economic reasonableness of reducing or eliminating the discharge; and
- (g) The economic benefit gained by the violator. (2003 Code, § 13-911)

**18-912. Assessment for non-compliance with permits or orders.**

- (1) The director may assess any polluter or violator for damages to the city resulting from any person's pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the pretreatment program or any part of this title.
- (2) If an appeal from such assessment is not made to the appeals board by the violator within thirty (30) days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
- (3) Damages may include any expenses incurred in investigating and enforcing the pretreatment program or §§ 18-501--18-504, in removing, correcting, and terminating any pollution, and also compensation for any actual damages to the POTW, or to personnel employed therein, caused by the violation. (2003 Code, § 13-912)

**18-913. Civil penalties.** (1) A civil penalty up to the maximum permitted by the Constitution and laws of the state, not to exceed ten thousand dollars (\$10,000.00) per day, may be assessed against any user who has violated, or continues to violate, any provision of this title or any of the following:

- (a) A wastewater discharge permit;
- (b) Any valid order issued hereunder;
- (c) Any pretreatment standard or requirement;
- (d) Any terms or conditions of a permit issued pursuant to the pretreatment program;
- (e) Fails to complete a filing requirement of the pretreatment program;
- (f) Fails to allow entry, inspection, or monitoring; or, violates reporting requirements;
- (g) Fails to pay user or cost recovery charges imposed by the pretreatment program; or

(h) Violates a final determination or order of the appeals board or director.

(2) The director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) In determining the amount of civil liability, account shall be taken of all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor provided by law. (2003 Code, § 13-913)

**18-914. Performance bonds.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Church Hill in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (2003 Code, § 13-914)

**18-915. Financial assurance.** The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (2003 Code, § 13-915)

**18-916. Water supply severance.** Whenever a user has violated or continues to violate any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, potable water service to the user provided by the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water service may be severed. Users holding a valid wastewater discharge permit shall be given ten (10) days written notice by certified mail prior to the severance of said water supply. Severance of water service for all other users shall be in conformance with the inter-local agreement between the City of Church Hill and the First Utility District of Hawkins County, Tennessee, Church Hill Utility District, or any other utility district supplying potable water service. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply with this title. (2003 Code, § 13-916)

**18-917. Injunctive relief.** When the director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the appropriate court, through the city attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this title on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (2003 Code, § 13-917)

**18-918. Appeals to wastewater appeal board.** (1) Upon receipt of a written petition from an aggrieved user, but not less than fifteen (15) days after notice of a matter to be appealed, the director 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 director and the petitioner agree to a postponement.

(2) An appeal to the wastewater appeal board shall be a de novo review.

(3) Hearings or rehearings before the appeals board shall be conducted in accordance with the following:

(a) A quorum of the appeals board shall be necessary to conduct a hearing;

(b) A verbatim record of the proceedings shall be taken together with the findings of fact and conclusions of law. The transcript so recorded shall be made available to any party upon pre-payment of a charge adequate to cover the costs of preparation;

(c) In connection with the hearing, subpoenas shall be issued 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 for Hawkins County shall have jurisdiction upon application of the appeals board or the director, 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 as contempt under law;

(d) On the basis of the evidence produced at the hearing, the appeals board 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 petitioner. The order so issued shall be issued no later than thirty (30) days following the close of the hearing;

(e) The decision of the appeals board shall become final and binding on all parties unless appealed as provided in § 18-919;

(f) Any person to whom an emergency order is directed pursuant to § 18-909 shall comply therewith immediately but on petition to the appeals board shall be afforded a hearing not later than three (3) working days from the receipt of such a petition by the director.

(4) The following provisions shall not be applicable to emergency suspensions pursuant to § 18-909.

(a) If a written petition of appeal is filed by a user, the effective date of the matter properly appealed shall be stayed until a decision is announced by the appeals board; provided however, that in no case shall such a stay exceed a period of ninety (90) days, except as provided in § 18-919, from the date of receipt of a written petition to the director to appeal as set out hereinabove.

(b) Should a continuance of a hearing before the appeals board be requested by a user, no additional time shall be added to the limitations of sub-section (e) above.

(c) Should the appeals board not be able, for good cause, to hold a hearing within the sixty (60) day limit, the stay shall be extended by the number of days such period is exceeded.

(d) Should a continuance be requested by the city, the time of the stay shall be extended by the same number of days as the continuance. (2003 Code, § 13-918)

**18-919. Additional stay.** The appeals board may grant an additional continuance and stay beyond that set out in the preceding section upon the request of a user, and upon the posting of an appeal bond payable to the City of Church Hill in a sum to be determined by the director as necessary to protect the interests of the city. (2003 Code, § 13-919)

**18-920. Judicial review.** Any aggrieved party may petition for review of any final order or judgment of the appeals board pursuant to Tennessee Code Annotated, §§ 27-9-101 et seq. (2003 Code, § 13-920)

**CHAPTER 10****AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS****SECTION**

18-1001. Upset.

18-1002. Bypass.

**18-1001. Upset.** (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards, or, local pretreatment standards for any user, because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of paragraph (3) below are met.

(3) To establish the affirmative defense of upset, a user shall demonstrate through properly signed contemporaneous operating logs or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(c) The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(iv) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(v) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(vi) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails. (2003 Code, § 13-1001)

**18-1002. Bypass.** (1) For the purposes of this section,

(a) "Bypass" means the intentional diversion of a waste stream from any portion of a user's treatment facility.

(b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

(3) (a) If a user knows in advance of the need for a bypass, he shall submit prior notice to the director at least ten (10) days before the date of the bypass, or as early as possible.

(b) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time he becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report is received within twenty-four (24) hours.

(4) (a) Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

(i) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under paragraph (3) of this section.

(b) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (4)(a) of this section. (2003 Code, § 13-1002)

## CHAPTER 11

### FEES AND BILLING

#### SECTION

- 18-1101. Purpose.
- 18-1102. Authorization to establish charges and fees.
- 18-1103. Inspection fees and tap-on fees.
- 18-1104. Sewer use charges.
- 18-1105. Billing.
- 18-1106. User rates.
- 18-1107. Tap fees.
- 18-1108. Reconnection fees.
- 18-1109. Inspection fee.
- 18-1110. Application fee.
- 18-1111. Septic tank trucks annual permit fee.
- 18-1112. Extra strength surcharge.
- 18-1113. Sampling and flow monitoring charges.
- 18-1114. Hardship provisions.

**18-1101. Purpose.** The purpose of this chapter is to provide for equitable recovery of costs from users of the city's POTW, including costs of operation, maintenance, administration, bond service, inspection and monitoring, testing, capital improvements, depreciation and equitable cost recovery of EPA administered federal wastewater grants. (2003 Code, § 13-1101)

**18-1102. Authorization to establish charges and fees.** The board of mayor and aldermen may adopt by resolution reasonable charges and fees which shall include but not be limited to:

- (1) Inspection fees and tapping fees;
- (2) Sewer user charges;
- (3) Surcharge fees;
- (4) Wastewater discharge permit fees including the cost of processing such applications;
- (5) Monitoring, inspection and surveillance fees which shall include the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- (6) Fees for reviewing and responding to accidental discharges;
- (7) Fees for filing appeals, including but not limited to attorney's fees and enforcement fees; and
- (8) Application fees, and
- (9) Such other fees as may be deemed necessary from time to time to carry out the requirements of this title. These fees relate solely to the matters

covered by this title and are separate from all other fees, fines and penalties the city is authorized to levy. (2003 Code, § 13-1102)

**18-1103. Inspection fees and tap-on fees.** (1) A tap-on fee shall be collected from each person issued a sewer connection permit to help defray the cost of the sewer system for each user, who has not participated in an improvement district, prior to connection to the system according to the schedule adopted by the board of mayor and aldermen.

(2) A tap-on fee will not be permitted in lieu of participation in an improvement district. Where a tap-on fee is paid prior to creation of an improvement district serving the property it will be credited against the assessment of an improvement district later created serving the property.

(3) In the event that the board of mayor and aldermen may, in its discretion, exercise its powers to extend sewer services by means other than the improvement district concept, and in keeping with the provisions of the applicable ordinance pertaining to municipal public works projects, it is further provided that the board of mayor and aldermen shall establish by ordinance a schedule of tap-on fees including but not limited to the following categories of use:

- (a) Vacant lots or parcels;
- (b) Existing residence, row houses, with existing septic tank;
- (c) Additional existing units on same lot or parcel of land with existing residence and connected to the same sewer tap;
- (d) New residence, row houses;
- (e) New residence located in subdivisions, planned residential developments, and multi-family projects areas developed under the regulations governing the subdivision of land of the city regional planning commission in which adequate and proper sewer lines constructed by the developer in conformity with applicable statutes of the state and ordinances of the city pertaining to sanitation have been constructed as part of a private subdivision development, specifically providing for an inside municipal corporate boundary rate and an outside municipal corporate boundary rate;
- (f) Small commercial user (i.e., service stations, office building, warehouses, etc.);
- (g) Car wash for first bay and a fee for each additional bay thereafter;
- (h) Multi-family complexes existing structure for first unit and a fee for each additional unit thereafter; and
- (i) Factories and shopping centers; said fee to be based on a ten thousand (10,000) square foot of floor space basis with a fee for each additional ten thousand (10,000) square feet of floor space over and above the base amount. (2003 Code, § 13-1103)

**18-1104. Sewer use charges.** (1) Classification of users. Users of the wastewater system shall be classified into two (2) general classes depending upon the users' contribution of wastewater loads; each class of user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is two hundred fifty (250) milligrams/liter concentration by weight or less, and whose suspended solid discharge is two hundred fifty (250) milligrams per liter concentration by weight or less.

(b) Class II: Those users whose average biochemical oxygen demand exceeds two hundred fifty (250) milligrams/liter concentration by weight, or whose suspended solid discharge exceeds two hundred fifty (250) milligrams per liter concentration by weight.

(2) Determination of costs. The board of mayor and aldermen shall establish, by resolution, monthly rates and charges for use of the wastewater system and for all services supplied by the wastewater system. Said charges shall be based upon administrative costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; depreciation; return on investment; and debt service costs.

(a) All Class I users shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined in accordance with the following formula:

TSC

$$C_i = \frac{TSC}{V_t}$$

Where:

$C_i$  = The Class I total unit cost in dollars per thousand gallons.

TSC= The total cost of operation, maintenance, administration and debt service determined by yearly budget projections.

$V_t$  = The total volume of wastewater contribution, in thousands of gallons, from all users per year as determined from projections from one city fiscal year to the next.

(b) All Class II users shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as Class I users ( $C_i$ ) and in addition shall pay a surcharge based on volume ( $V_u$ ), a penalty assessment ( $V_c$ ), excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities. The following formula shall be used to compute the appropriate surcharge ( $C_u$ ):

$$C_u = B_c B_u + S_c S_u$$

Where:

$C_u$  = Total surcharge per month.

$V_c$  = Penalty assessment for exceeding BOD or TSS.

$V_u$  = Volume contribution (in 1000 gallons) per month.

- $B_c$  = Total cost for treatment of one pound of biochemical oxygen demand (BOD).
- $B_u$  = Total BOD contribution above the base level from a user per month.
- $S_c$  = Total cost for treatment of one pound of suspended solids.
- $S_u$  = Total suspended solids contribution above the base level from a user per month. (2003 Code, § 13-1104)

**18-1105. Billing.** (1) The billing of normal wastewater services shall consist of monthly billing in accordance with rates established by resolution of the board of mayor and aldermen.

(2) Any user connected to the sanitary sewer shall have water service from some water utility system authorized to provide potable water by the State of Tennessee, or, such user shall, at his sole expense, install a sewage flow of sewage through such meter.

(3) Any user receiving potable water from any source shall install a sewage flow meter as set out in subsection (2) hereinabove; or, the agency or entity supplying potable water shall enter into an agreement with the City of Church Hill that provides a means for verification of meter accuracy; provides for routine and regular monthly water meter readings to be supplied to the City of Church Hill for sewer billing purposes; and also provides for arrangements for the termination of water service should the end user fail or refuse to pay any valid bill for sanitary sewer service imposed by the city. (2003 Code, § 13-1105)

**18-1106. User rates.** (1) The base rate for each customer, user, or beneficiary of the sewer system inside the corporate limits of the City of Church Hill shall be thirteen dollars and twenty-six cents (\$13.26) for the first two thousand five hundred (2,500) gallons of water used. For each one thousand gallons (1,000), or multiples thereof, used in excess of the first two thousand five hundred (2,500) gallons, the user rate shall be three dollars and fifty-eight cents (\$3.58) per one thousand (1,000) gallons.

(2) Unmetered water users with only one person in the household shall be charged ten dollars (\$10.00) per month. Unmetered water users shall be charged thirteen dollars and twenty-six cents (\$13.26) per month.

(3) In the event that the board of mayor and aldermen determine by resolution that it is in the best interests of the city that specific property lying outside the corporate limits of the city be furnished sewer service by the city then the charge to the owner and/or occupant of that property for treating the sewerage from said property shall be sixteen dollars and seventeen cents (\$16.17) for the first two thousand five hundred (2,500) gallons of water used and four dollars and forty seven cents (\$4.47) for each one thousand (1,000) gallons used thereafter.

(4) Any and all monthly user bills not paid in full by the due date noted thereon shall have added to the outstanding balance one and one half

percent (1½%) interest which shall continue to accumulate until paid in full. (2003 Code, § 13-1106)

**18-1107. Tap fees.** (1) The tap-on fee for each connection shall be one thousand nine hundred and fifty dollars (\$1,950.00). The sewer system tap-on fee for each connection to a vacant lot or parcel shall be due and payable at the time any building permit is issued for construction on said vacant lot or parcel. For multi-unit dwellings, such as apartments and condominiums, which utilize a single tap or meter, there shall be an additional tap-on charge of two hundred fifty dollars (\$250.00) for each individual dwelling unit up to and including six (6) units. For all individual dwelling units in excess of six (6) on any single tap or meter there shall be an additional tap-on of one hundred fifty dollars (\$150.00) for each unit. This tap-on fee schedule for additional units shall also apply to any mobile home park or commercial shopping center within the municipal limits which is serviced by one tap or meter. Each mobile home or individual commercial shop or office shall be considered a separate unit for purposes of determining the appropriate tap-on fee and monthly user fee.

(2) Developers who intend to construct residences or dwellings on newly subdivided property or who seek the approval of subdivision plans by the Church Hill Regional Planning Commission within the urban area designated by the planning commission shall install all necessary sewer service lines and laterals within the entire subdivision. Said developers shall pay a tap-on fee of two hundred fifty dollars (\$250.00) per tap for each single family residence in the subdivision. Multiple family dwellings shall be charged according to the rates set out in paragraph two (2) of this chapter. A minimum of three (3) newly subdivided lots shall constitute a subdivision for the purposes of the application the tap-on rate schedule described in this paragraph.

(3) Financing shall be available to owners of residential property located within the corporate limits of the city. A property owner(s) desiring to finance the tap-on fee must make application therefore upon a personal financial form provided by the city and the application must be approved by the board of mayor and aldermen. A minimum of five hundred dollars (\$500.00) down payment shall be made prior to the execution by the property owner(s) of a promissory note which is to be executed in the amount of the balance due and payable to the City of Church Hill, Tennessee. The note shall be a standard pre-printed and numbered form prescribed by the city recorder and approved by the city attorney. The balance to be financed as evidenced by the promissory note may be financed over a period not to exceed a two (2) year period and shall be payable in equal monthly installments which shall bear interest at the most favorable rate charged by The Citizens Bank of East Tennessee to its customers on twenty-four (24) month installment loans. A late fee or penalty of an additional one and one-half percent (1½%) of the delinquent amount, compounded monthly, shall be charged for each month that any of the required installment payments are delinquent, beginning on the 30th day after the

monthly payment is first due. A default by the customer or owner on the timely payment of any monthly installment may result in the total amount of the note with interest and penalty being accelerated and becoming due and payable immediately. The note shall also include the requirement that the delinquent customer pay reasonable attorneys fees incurred in the collection of the note or in the termination and/or reconnection of sewer service to such property. The Mayor of the City of Church Hill is hereby expressly given authority to discount such promissory as noted above selling same to any financial institution federally insured but not to any individual.

(4) The sewer system tap-on fee for each connection of any commercial or industrial user whose building or structure exceeds ten thousand (10,000) square feet of covered floor space shall be the initial one thousand nine hundred and fifty dollars (\$1,950.00) plus five hundred dollars (\$500.00) for each additional ten thousand (10,000) square feet, or the appropriate pro rata percentage of additional covered floor space.

(5) Financing shall not be available to owners of new residences located in subdivisions in which sewer mains and laterals have been installed by developer(s). Financing shall not be available in cases where the development is for speculative purposes. In determining if construction is for speculative purposes, any sewer tap-on permit issued in the name of a licensed contractor, plumber, developer, or broker shall be considered for speculative purposes and payment of the tap-on fee in full shall be required. In cases where a contractor constructs a residence for personal occupancy and desires to finance the tap-on fee, he shall (1) provide the city recorder with certification that the residence has been constructed for personal occupancy of the owner/contractor, and (2) present and execute a standard City of Church Hill promissory note for sewer tap-on fees for the remaining balance payable to the City of Church Hill at the time the down payment is made. The "Certification of Construction for Personal Occupancy" shall be a form prescribed by the city recorder and approved by the city attorney.

(6) Owners of property located outside the corporate limits of the city who are given special permission by the board of mayor and aldermen to connect to the municipal sanitary sewer system shall be required to pay the tap-on fee in full at the time of connection.

(7) (a) The board of mayor and aldermen shall perform a cost/benefit analysis for any proposed construction of a sewer line extension from the municipal sewer system as it is constituted at the time of the passage of this title. In the total discretion of the board of mayor and aldermen, a determination will be made of the required payment expected from the customer(s) and/or owner(s) of property who will receive sewer service by virtue of said construction. The board may take into consideration such factors as anticipated revenue from additional customers, hardship situations, and available manpower, as well as other relevant factors. In the event that the costs of said sewer extension

project exceed the base tap fee charged to the property owner or customer under this chapter or any amendments thereto, each property owner or customer shall be responsible for his or her pro rata share of the additional sewer extension projects required cost reimbursement. The costs for the particular sewer extension project shall be determined and itemized by the city after the completion of the sewer extension project. All costs of the sewer extension, including the expenses and legal fees associated with the acquiring of any necessary easements and the preparation of any required contract documents, the total cost of any required additional pump stations, engineering costs, material and equipment costs, labor costs, construction and/or contract costs, capital outlay note or bond costs and expenses, all required federal, state, and local inspection fees, and any other expense necessarily incurred by the city in order to complete the sewer extension project shall be included in the final computation. The property owners or customers who will receive municipal sewer service as a result of the sewer extension project shall each be liable for his or her pro rata share of the required cost reimbursement over and above the base sewer system tap fee as specified hereafter. In no event shall the tap fee charged to each property owner or customer for a sewer extension to his/her property be less than the base tap fee in effect at the time of the completion of the sewer extension project. It is anticipated that the required cost reimbursement shall be expressed in terms of percent of total project costs. Any representations made by city officials or agents regarding estimated extension project construction costs shall not be binding if the actual costs as itemized at the conclusion of the project exceed the original cost estimates.

(b) Each property owner, occupant or utility water customer, whose property or premises abuts the sewer line extension, its easement, or the road right-of-way adjacent to the sewer extension (or easement) or through which the sewer extension runs, must connect his/her property or premises to the municipal sewer system within sixty (60) days of the announcement that the sewer extension project has been completed. The months of December, January, and February will not be included in the calculation of the sixty (60) day connection period set out below. No pre-completion representation made by the city or its agents regarding any estimated sewer extension project costs shall be binding upon the city nor shall such representations create any express or implied contracts nor be grounds for estoppel should the actual costs of the sewer extension project, as finally computed and itemized, exceed the initial project cost estimates.

(c) The board of mayor and aldermen shall initiate a sewer extension construction project by the passage of a resolution which specifies the property to be served and sets out a projected estimate of the cost of the project. Each property owner or customer to be served by the

extension under the terms of this chapter shall pay the base tap-fee as set by the chapter, or any amendments thereto, within sixty (60) days of the passage of the board's resolution if the estimated sewer extension project costs exceed the base tap fee. The board of mayor and aldermen shall, prior to the expiration of the sixty (60) day period, publish a payment schedule for the prospective property owners and customers to be served by the sewer extension based upon the cost estimates of the project as determined as of the date of the publication of the schedule. The property owners and customers who will be served by the sewer extension shall be allowed to make voluntary periodic payments, pursuant to the schedule, on their pro rata share of the estimated sewer extension project costs which exceed the base tap fee, during the planning and construction phase of the sewer extension project. The pro rata share of each property owner or customer shall be due and payable not less than ten (10) business days before the property is connected to the municipal sewer system. In the event that the completed and itemized sewer extension project costs are less than the city's initial cost estimates and any property owner or customer has paid more than his/her finally computed pro rata share, the respective over payments shall be returned to the appropriate property owner with interest thereon computed by the same method specified for hardship financing under the terms of this chapter. (2003 Code, § 13-1107, as amended by Ord. #14-466, March 2015)

**18-1108. Reconnection fees.** (1) Unless done pursuant to contract with the First Utility District "as the Church Hill Utility District," the city may terminate sewer service to any property owner or occupant who becomes more than thirty (30) days delinquent in the payment of monthly user fees and/or monthly sewer financing obligations owed to the city. Prior to terminating sewer service for any payment delinquency, the city shall give the delinquent customer, occupant, and property owner written notice that sewer service to the property will be terminated. Notice of termination of service shall be given by certified mail or by personal delivery upon the delinquent customer or property owner and shall inform the delinquent customer that his sewer service will be terminated seven (7) days after delivery of the notice.

(2) The re-connection fee for any customer or property owner whose sewer service has been terminated for non-payment of sewer fees, charges, or tap-on fees under the terms of this chapter shall be the actual costs incurred by the city to perform the reconnection. A delinquent customer whose sewer service has been disconnected and/or reconnected shall also be liable to the city for attorney's fees incurred by the city in enforcing the provisions of this chapter.

(3) The owner of the property connected to the municipal sewer system shall be considered the primary customer and shall be ultimately responsible for the payment of the tap-on fee, additional charges, and monthly user fees regardless of whether the owner is also the occupant or tenant of the property.

In the event that the owner of property is not the same individual who is the delinquent customer, the city shall give the owner and the customer separate notice of the termination of service for the account delinquency.

(4) Sewer tap fees, including any financing arrangements, additional extension costs, and the anticipated reconnection charges, shall be due and payable ten (10) business days prior to the connection of the property to the municipal sewer. (2003 Code, § 13-1108)

**18-1109. Inspection fee.** The inspection fee for the completion of the sewer connection shall be twenty dollars (\$20.00) per connection. (2003 Code, § 13-1109)

**18-1110. Application fee.** The non-refundable fee to be submitted with an application for domestic sewer service shall be ten dollars (\$10.00). The non-refundable fee to be submitted with an application for industrial sewer service shall be two hundred fifty dollars (\$250.00). (2003 Code, § 13-1110)

**18-1111. Septic tank trucks annual permit fee.** (1) The service charge for annual permit for holding tank waste disposal operations shall be established by resolution of the board of mayor and alderman as the necessity or advisability of same may from time to time require.

(2) Persons wishing to empty septic tank trucks directly into the wastewater treatment system must have a permit to do so and shall be charged a minimum fee established by resolution of the board of mayor and alderman as the necessity or advisability of same may from time to time require. (2003 Code, § 13-1111)

**18-1112. Extra strength surcharge.** Users who discharge or cause to be discharged extra strength wastewater who possess an appropriate permit will be subject to a surcharge to compensate for above-normal operating and maintenance expenses incurred in treating and disposing of their discharge, not to exceed one hundred percent (100%) of the monthly sewer service charge which would normally be assessed. (2003 Code, § 13-1112)

**18-1113. Sampling and flow monitoring charges.** Customers who are required by the board to have sampling and flow monitoring devices installed either temporarily or permanently or who choose to have flow monitoring devices installed in order to measure actual amounts of wastewater discharge should be charged the reasonable cost necessary to compensate for operating and maintaining equipment and for performing analytical test on their discharge. (2003 Code, § 13-1113)

**18-1114. Hardship provisions.** There is hereby established a hardship committee whose purpose it is to review applications submitted by system

customers for the payment of fees and charges by installment payments, to reduce the amount of fees and charges, or to waive the amount of fees and charges altogether.

(1) The sanitation committee shall serve as the hardship committee.

(2) The hardship committee shall review applications for hardship determination in regard to the sewer tap-on fee, monthly sewer service charge, and reconnection charges.

(3) The application to be used in applying for a "hardship determination" shall be developed by the city recorder and approved by the hardship committee.

(4) The hardship committee is to make recommendations to the board on all applications. The board will have the final approval on same.

(5) The degree or amount of charge to be reduced or waived by the hardship committee shall be deducted from an interest bearing account created for the purpose of the hardship committee. Once the above-referenced interest is exhausted no additional hardship reductions or waivers may be granted in that fiscal year.

(6) The interest bearing account referred to in subsection (5) shall be funded by the inspection fees described in § 18-1109. Once the interest bearing account reaches a balance of ten thousand dollars (\$10,000.00), inspection fees shall be deposited in the normal sewer revenue account and accrued interest shall fund the hardship account. The above-noted funding provisions shall not be the exclusive methods for funding the hardship account. The hardship account may be funded in any manner acceptable under law by the board of mayor and aldermen as noted in the city's annual budget ordinance. (2003 Code, § 13-1114)

## CHAPTER 12

### SYSTEM EXPANSION

#### SECTION

18-1201. Sewer main extension policy.

18-1202. Construction contracts.

**18-1201. Sewer main extension policy.** This policy covers main sizes, subdivisions installation, extensions to subdivisions, extensions to serve unplatted property, extensions outside the city limits, and replacement of mains.

(1) Main size. The size of any main installed in any area served by the system shall be determined by the board of mayor and aldermen. No main less than eight (8) inches in diameter shall be placed in the sewer collection system. All sewer mains connected to and or served by the system shall become the property of the city upon inspection and acceptance.

The city may participate in the cost of installing larger size mains except in those instances where a property under single ownership shall require a main greater than eight (8) inches.

(2) Extensions in subdivisions. No sewer shall be constructed in a subdivision until the subdivider and the city have executed a contract covering the extensions. This contract shall state:

(a) The estimated cost of sewer extensions.

(b) That the city shall acquire ownership on completion of the work.

(c) That workmanship and materials must be guaranteed for a period of one year after acceptance.

(d) That the subdivider agrees to pay the costs of inspecting the work.

(e) That the city has examined and approved the plans and specifications.

(f) That the city has accepted a security bond equal to the cost of the sewer extension.

(g) Penalty provisions for noncompliance.

The subdivider shall pay the cost of construction of all sewer mains to, in, and through his subdivision except as otherwise provided herein. Sewer mains shall always be extended to the farthest point or points upgrade in a subdivision so that the system, if need be, can continue uninterrupted.

(3) Construction contract or commission forces. The subdivider may install the main in his subdivision by private contract if the city so agrees. The subdivision must receive approval of all plans and specifications, execute the sewer extension agreement, and allow for city inspection of actual construction.

Upon agreement, the city may allow the subdivider to deposit with it the estimated cost of sewer construction, plus engineering and administrative cost.

The city will then proceed to construct the sewer either under contract or by its own forces. It at any time the actual cost exceeds the amount deposited, the subdivider shall immediately, upon notification, deposit sufficient additional funds to complete the work.

(4) Extension of sewer mains to serve those areas not included in subdivisions platted after adoption of the policy. Extensions of sewer mains to serve property already in the city, but not part of a subdivision platted after adoption of this policy, shall be financed by special assessments against all property benefited by such extension in accordance with § 18-1107.

(5) Sewer extensions outside the city limits. No mains shall be extended outside the city limits, except upon the expressed consent of the board of mayor and aldermen.

The person(s), firm, or corporation requesting such installation shall assume the entire cost of the installation and may install the mains by private contract upon approval of the plans and specifications by the city, execution of the sewer main extension contract, and city inspection of actual construction.

With the consent of the city, the person(s), firm, or corporation requesting the installation shall deposit with the city the estimated cost of installing the main and the city may then proceed to make the actual installation with its own forces or by private contract. In the event that the original deposit was insufficient, the person(s), firm or corporation requesting such installation shall, upon notification, immediately deposit with the city the balance due. The city at its discretion may participate in the extension of the sewer line to the project site; however, in no case shall the cost of participation exceed fifty percent (50%). (2003 Code, § 13-1201, as amended by Ord. #14-466, March 2015)

**18-1202. Construction contracts.** (1) The requirements of conducting pre-blast surveys and monitoring all blasts shall be included in all contracts for construction concerning the wastewater treatment system.

(2) Lawn and driveway restoration. (a) All contracts for construction concerning the wastewater treatment system shall include the requirements that photography of existing lawns, driveways, and etc. be taken prior to commencement of any ditching or excavation which would materially alter said lawns, driveways, etc.

(b) Restoration is to be done so as to nearly as practical restore the lawn and/or driveway to its original condition as soon as feasible - weather permitting.

(3) Bonding. Sufficient performance bonds and adequate retainage is to be required of all contractors.

(4) Paving. All contracts for the placement of sewer lines within any paved street or right-of-way shall include the provision that such paved street or right-of-way shall be restored -- as nearly as practical -- to its pre-construction condition and preferably repaved after the completion of installation of such lines.

(5) Equal opportunity. Any contract for construction work on the wastewater treatment system shall include an "equal opportunity clause" which is in substantial compliance with Executive Order 11246 of September 24, 1965, and in compliance with all rules, regulations and relevant orders of the Secretary of Labor.

(6) Compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) It shall be the policy of the board that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied benefits of or otherwise be subjected to discrimination in connection with the construction or providing services, programs, or activities in regard to the wastewater treatment system.

(7) No handicap discrimination. Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual shall, solely by reason of their handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any operations, programs, services, or activities rendered by the wastewater treatment system. (2003 Code, § 13-1202)

**TITLE 19**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**

**TITLE 20**

**MISCELLANEOUS**

**[RESERVED FOR FUTURE USE]**



**APPENDIX A****ETHICS PROVISIONS PROVIDED BY STATUTE**1. Campaign finance.

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

Contributions to political campaigns for municipal candidates are limited to:

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

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

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

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

2. Conflicts of Interest.

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

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

### 3. Disclosure conflict of interests.

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

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

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

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

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

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

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

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

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

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

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

## 7. Ouster law.

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

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

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

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

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

**APPENDIX B**

**BY-LAWS OF THE CHURCH HILL REGIONAL  
PLANNING COMMISSION**

**ARTICLE I**

**Objective**

The objective and purposes of the Church Hill, Tennessee Planning Commission shall be as set forth in Title 13 of the Tennessee Code Annotated, and amendments and supplements thereto, those powers and duties delegated to the Planning Commission by the City Council by resolution on October 13, 1959, in accordance with the above-mentioned enabling law and Title 11 of the Church Hill Municipal Code.

**ARTICLE II**

**Officers and Their Duties**

Sec. 1. The officers of the Planning Commission shall consist of a Chairman, Vice Chairman, and a Secretary-Treasurer.

Sec. 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.

Sec. 3. The Chairman shall be one of the appointive members of the Planning Commission. He shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Sec. 4. The Vice-Chairman shall be one of the appointive members of the Planning Commission and shall act for the Chairman in his absence.

Sec. 5. The Secretary shall keep the minutes and records of the Planning Commission, prepare with the Chairman the agenda of regular and special meetings, provide notice of meetings to Planning Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties are normally carried out by a Secretary.

ARTICLE III  
Election of Officers

Sec. 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting which shall be held on the first Monday of August in each year.

Sec. 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.

Sec. 3. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

Sec. 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE IV  
Meetings

Sec. 1. Meetings shall be held on the first Monday of each month at 7:00 P.M. at City Hall.

Sec. 2. A majority of the membership of the Planning Commission shall be five (5) members and shall constitute a quorum. A quorum shall be present before any business is transacted.

Sec. 3. All plans, reports and recommendations of the Planning Commission must be approved by a majority of the entire membership.

Sec. 4. A record of the vote of each member on each question shall be kept as a part of the minutes except when the vote is unanimous.

Sec. 5. Special meetings may be called by the Chairman or in accordance with CHMC Title 11, Chapter 2. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such meeting and no other business may be considered except by unanimous consent of the Commission. The Secretary shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

Sec. 6. All meetings at which official action is taken shall be open to the general public.

ARTICLE V  
Order of Business

The order of business at regular meetings shall be:

- (a) Roll call;
- (b) Reading of minutes of previous meeting;
- (c) Recognition of persons having business with the Commission;
- (d) Reports of officers and committees;
- (e) Old business;
- (f) New business;
- (g) Adjournment.

ARTICLE VI  
Committees

Sec. 1. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require.

Sec. 2. The expenditures of the Commission shall be within the amounts appropriated for the purpose by the City of Church Hill, Tennessee.

ARTICLE VII  
Hearings

Sec. 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Sec. 2. Notice of such hearings shall be published in a newspaper of general circulation within the City of Church Hill at least ten (10) days prior to the date of such public hearing.

Sec. 3. The case before the Commission shall be presented in summary by the Secretary or a designated member of the Commission and parties in

interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Sec. 4. A record shall be kept of those speaking before the Commission.

ARTICLE VIII  
Amendments

These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

**APPENDIX C****SUBDIVISION REGULATIONS OF THE  
CHURCH HILL, TENNESSEE REGIONAL Planning Commission  
(Hereafter referred to as the Planning Commission)****ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION****A. Purpose.**

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the planning region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

**B. Authority.**

These subdivision regulations are adopted under authority granted by Sections 13-4-302 through 13-4-309 and Sections 13-3-401 through 13-3-411, Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. A certified copy of the Church Hill, Tennessee Major Street and Road Plan was filed in the Office of the Register of Deeds of Hawkins County, Tennessee, on February 3, 1960.

**C. Jurisdiction.**

These regulations shall govern all subdivision of land within the corporate limits of Church Hill, Tennessee, as now or hereafter established and within the Church Hill, Tennessee Planning Region as established by resolution of the Tennessee State Planning Office. Within these regulations the term "subdivision" shall mean the division of a tract or parcel of land into two or more lots, sites, or divisions for the purpose, whether immediate or future, of sale or building development, and include resubdivision of the land or area subdivided.

Any prospective subdivider owning land located within the Church Hill Planning Region shall submit his subdivision plat to the Church Hill Regional Planning Commission. The plat is to be submitted according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

## ARTICLE II. PROCEDURE FOR PLAT APPROVAL.

The procedure for review and approval of a subdivision plat consists of two separate steps. The initial step is the preparation and submission of a preliminary plan of the proposed subdivision to the Planning Commission. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. The final plat becomes the instrument to be recorded in the office of the county register of deeds when duly signed by the secretary of the Planning Commission.

### A. General.

1. Any owner of land lying within the area of jurisdiction of the Planning Commission wishing to divide such land into two or more lots, sites, or divisions, for the purpose, either immediate or future, of sale or building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and shall be presented in the manner specified in the following section of this Article. No plat of a subdivision of land within these areas of jurisdiction shall be filed by the county register of deeds without the approval of the Planning Commission.
2. The subdivider should consult early and informally with the Planning Commission and its technical staff for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable him to become thoroughly familiar with these regulations, the Major Street and Road Plan and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.
3. A subdivider may omit the submission of a preliminary plat, submitting only a final plat if the following conditions are met:

a. All public improvements as set forth in Article IV are already installed. Any construction, installation, or improvements of any public improvement shall require the submission of a preliminary plat as prescribed by Section B of Article II.

b. The subdivider has consulted informally with the Planning Commission technical staff for advice and assistance before the preparation of the final plat and its formal application for approval.

## B. Preliminary Sketch Plat

1. At least fifteen (15) days prior to the meeting at which it is to be considered, the subdivider shall submit to the secretary of the Planning Commission twelve (12) copies of a preliminary sketch plat of the proposed subdivision in order to allow the Planning Commission technical staff and utilities heads time to review and prepare recommendations to the Planning Commission. The subdivision plan shall be drawn to a scale of not less than one inch equals one hundred (100) feet. At the time of such submission the Secretary of the Planning Commission shall issue a receipt acknowledging said submission. Neither the submission of the preliminary sketch plat to the secretary of the Planning Commission or the receipt issued by the secretary of the Planning Commission shall constitute submission of the preliminary sketch plat for consideration by the Planning Commission.

2. The sketch plat which shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV shall give the following information insofar as possible:

a. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a licensed or certified engineer or surveyor approved by the Planning Commission.

b. Date, approximate north point, and graphic scale.

c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

d. A construction plan which shall include:

(1) A complete drainage plan showing all improvements including all proposed streets, easements, storm sewers, swages, ditches, reserved areas and lot drainage.

(2) A plan and profile of all streets showing typical cross sections of proposed roadways, swages and ditches as well as both existing and proposed finished grades of paved rights-of-way and special ditches, and details of all structures which are part of the physical improvements in the subdivision. All proposed drainage structures including manholes, catch basins, junction boxes, pipe storm drainage ditches, and other drainage facilities including head-walls shall be shown on the plan and profile.

e. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads and to an original corner of the original survey of which it is a part or key map showing relation of subdivision to well-known streets, railroads, and water courses in all directions to a distance of at least one-half mile. Suggested scale: one inch equals 2,000 feet;

f. Plans of proposed utility layouts (sanitary and storm sewers, water, and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system, must be approved by the county health department;

g. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building lines and utilities;

h. Contours at vertical intervals of not more than five feet, except when specifically not required by the Planning Commission;

i. Actual closure computations for the boundary traverses. Such boundary traverses shall close to an accuracy of at least one (1) part in five thousand (5,000);

3. Within sixty (60) days after submission of the preliminary sketch plat, the Planning Commission will review it and indicate its approval,

disapproval or approval subject to modification as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications will be indicated.

4. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat.

5. Failure of the Planning Commission to act on the preliminary sketch plat within sixty (60) days after being presented at a Planning Commission meeting in accordance with subsections B-1 and B-2 of this Article will be deemed approval of this plat, and a certificate to that effect shall be issued by the commission on demand, provided, however, that the applicant may waive this requirement and consent to the extension of such period.

6. One copy of the sketch plat will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.

7. The approval of the preliminary sketch plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

8. If the subdivision is going to be developed and submitted as final plats in portions of the preliminary plat, the portions must be designed and titled in alphabetical characters.

9. No subdivision shall use the name of an existing subdivision except as noted in Article II, subsection B-8.

### C. Final Plat

1. The final plat shall conform substantially to the preliminary sketch plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary sketch plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations. If a proposed subdivision fronts upon an existing public road, the Planning Commission may waive the requirements for preliminary approval, and permit the developer to submit only a final plat.

2. In order to allow the Planning Commission technical staff and utilities personnel time to review and prepare recommendations to the Planning Commission, the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered. The subdivider shall submit the original drawings in black drawing ink and twelve (12) copies (black and white prints or blue line prints), together with street profiles or other plans that may be required by the Planning Commission. At the time of such submission the secretary of the Planning Commission shall issue a receipt acknowledging said submission.
3. The final plat shall be presented to the Planning Commission at its next meeting by the secretary or acting secretary of the Planning Commission for consideration for approval or disapproval.
4. The plat shall be drawn to a scale of one inch equals one hundred (100) feet on sheets eighteen (18) by twenty-four (24) inches or of an approved size to correspond to local plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.
5. When the final plat has been approved by the Planning Commission, one copy will be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the county register of deeds as the official plat of record.
6. The Planning Commission shall approve or disapprove the final plat within sixty (60) days after its submission. Failure of the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
7. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.
8. The final plat shall show:
  - a. The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;

b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;

d. Location and description of monuments;

e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;

f. Date, title, name and location of subdivision, graphic scale, and north point;

g. Location sketch map showing site in relation to area;

h. All boundary traverses including lot and block traverses shall close to an accuracy of at least one (1) part in five thousand (5,000).

9. The following certificates shall be presented with the final plat:

a. Certification showing that applicant is the land owner and dedicates streets, rights-of-way and any sites for public use (see Attachment B);

b. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments (see Attachment B);

c. Certification by the city or county health officer when individual sewage disposal or water systems are to be installed (see Attachment B);

d. Certification by the city engineer or other designated person that the subdivider has complied with one of the following alternatives:

1. Installation of all improvements in accordance with the requirements of the subdivision regulations; or
  2. Posting of security bond or cash bond in sufficient amount to assure such completion of all required improvements (see Attachment A).
- e. Certification of approval to be signed by the secretary of the Planning Commission (see Attachment B).

ARTICLE III.  
GENERAL REQUIREMENTS AND  
MINIMUM STANDARDS OF DESIGN

A. Streets

1. Conformity to the Major Thoroughfare Plan

The location width of all streets and roads shall conform to the official Major Thoroughfare Plan which includes the Major Street Plan within the municipality and the Major Road Plan within the remainder of the planning region.

2. Relation to Adjoining Street System

The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

3. Access Streets to Subdivision Boundaries

Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.

4. Street Widths

The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the Major Thoroughfare Plan and shall be not less than as follows:

- a. Arterial Streets and Highways . . . . . 80-150 feet,  
as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Major Thoroughfare Plan.
- b. Collector Streets . . . . . 60 feet  
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highway and include the principal entrance streets or a residential development and streets for major circulation within such a development.
- c. Minor Residential streets . . . . . 50 feet

Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage use by through traffic.

d. Marginal Access Streets . . . . . 40 feet  
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

e. Dead-end Streets (Cul-de-sac) . . . . . 40 feet  
Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred (600) feet or fifteen (15) dwelling units, designed so that they cannot be extended in the future.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify the above requirements.

f. Loop Streets . . . . . 40 feet  
Loop streets are streets open at both ends and connected to the same residential street with a maximum length twelve hundred (1200) feet or twenty-five (25) dwelling units.

g. Rural Streets . . . . . 50 feet  
Rural streets are those where development density is not more than one dwelling unit per acre and where minimum street frontage is one hundred fifty (150) feet per lot.

h. Alleys . . . . . 20 feet  
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

5. Additional Width on Existing Streets

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

## 6. Restriction of Access

Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

## 7. Street Grades

Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) percent but shall not exceed fifteen (15) percent.

## 8. Horizontal Curves

Where a deflection angle of ten (10) degrees or more in the alignment of a street occurs, a curve of a reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall not be less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

## 9. Vertical Curves

All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major streets and one half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals ten (10) feet vertical, may be required by the Planning Commission.

## 10. Intersection

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees.

To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than twenty (20) feet. Where the angle of the street intersection is less than ninety (90) degrees, the Planning Commission may require a greater radius.

11. Tangents

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

12. Street Jogs

Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.

13. Dead-end Streets

a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the Planning Commission may approve an alternate design such as the T or Y background.

b. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

14. Private Streets and Reserve Strips

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the appropriate governmental entity under conditions approved by the Planning Commission.

15. Drainage

All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage as shall be approved by the Planning Commission. Where it is the opinion of the Planning Commission that

water cannot be adequately discharged by surface drainage, the Planning Commission may require the installation of a storm sewer system.

16. Street Name

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing street. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court. Through its index list of street names on file, the Planning Commission can assist the subdivider in avoiding duplication.

17. Alleys

Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

B. Blocks

1. Length

Blocks shall not be less than four hundred (400) nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight (800) feet in length the Planning Commission may require one or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

2. Width

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or sale of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

## C. Lots

### 1. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of forty (40) feet upon a public street or road which is not less than forty (40) feet in width.

### 2. Minimum Size

The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, when meeting all applicable public health regulations.

a. Residential lots served by a public sewerage system shall not be less than sixty (60) feet wide at the building setback line nor less than seventy-five hundred (7,500) square feet in area.

b. Residential lots not served by a public sewerage system shall not be less than forty (40) feet wide at the street right-of-way line and a minimum of eighty (80) feet wide at the building setback line and shall provide a minimum area of fifteen thousand (15,000) square feet.

Greater area may be required for private sewage disposal if, in the opinion of the county health officer there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission may require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

c. The minimum size of residential lots to be served by a private source of water supply shall be determined by the county health officer after investigations of soil conditions, proposed sewerage system, and depth of ground water.

d. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street

service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

e. The size and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect.

### 3. Building Setback Lines and Yard Requirements

a. The minimum depth of building setback lines from the street right-of-way line shall not be less than thirty (30) feet from minor residential and collector streets and forty (40) feet from all others. In case of corner lots, one must provide a setback of fifteen (15) feet from the side street right-of-way line unless a lower standard is allowed by the existing zoning ordinance. A minimum side yard of eight (8) feet on one side for all lots and a total minimum side yard setback of fifteen (15) feet is required for interior lots.

b. In the case of electric transmission lines where easement widths are not definitely established there shall be a minimum building setback line from the center of the transmission line of fifty (50) feet.

### 4. Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines as outlined above.

## D. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

### 1. Public Open Spaces

Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the Planning Commission, is located in part in the applicant's subdivision, the Planning Commission may require the dedication or reservation of such open space within the subdivision up to a total of ten

(10) percent of the gross area of water frontage of the plat, for park, school, or recreation purposes.

## 2. Easements for Utilities

a. Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the Planning Commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision. Where drainage is proposed to cross any lot at any point other than the side or corner of the lot, the plat shall indicate the size of the pipe necessary to carry the proposed run-off. Each cul-de-sac shall have provisions for a fifteen (15) foot utility easement extending therefrom to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.

## b. Storm Sewers

Where in the opinion of the Planning Commission the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The Planning Commission shall determine, on the basis of the watershed and the probable run-off, the size of the storm sewers. In ascertaining the size of the storm sewers, the Planning Commission may call up its technical staff or any public or private agency to assist it in its determinations.

## 3. Water Supply and Sewerage Connections

Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and a water and sewerage connection for each lot with such material and to such size and length as shall be approved by the Planning Commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply and sewerage disposal may be indicated and shall be approved in writing by the county health officer.

## 4. Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical sites, and similar

community assets which, if preserved, will add attractiveness and value to the property.

#### E. Suitability of the Land

The Planning Commission shall not approve the subdivision of land, if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights.

#### F. Large Tracts of Parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further reusability.

#### G. Group Housing Developments

A comprehensive group housing development, including large scale construction of housing units and mobile home sites together with necessary drives and ways of access, may be approved by the Planning Commission, although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

##### 1. Mobile Home Parks

All mobile home parks within the corporate limits shall comply with Title 11, Chapter 5, Church Hill Municipal Code and/or these regulations. When conflicting, the most restrictive regulation shall apply. Proposed mobile home park developments shall be submitted to the Planning Commission for preliminary and final approval.

- a. Any mobile home park development within the Church Hill Planning Region must be submitted to the Church Hill Regional Planning Commission for approval. A mobile home park shall

mean any plot of ground upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. No mobile home park shall contain less than two (2) acres if located outside the corporate limits or five (5) acres if located inside the corporate limits.

b. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Church Hill Regional Planning Commission for approval. The plans shall show:

- (1) The park plan drawn to scale;
- (2) The area and dimensions of the proposed park;
- (3) The location and width of all roadways;
- (4) The location and dimensions of any proposed service buildings and structures;
- (5) The location of all water and sewer lines;
- (6) The location of all equipment and facilities for refuse disposal and other park improvements;
- (7) A plan for drainage of the park;
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct;
- (9) Certificate of signature of the health officer;
- (10) A certificate for Planning Commission approval; and
- (11) Any other information deemed pertinent by the Planning Commission.

c. The site shall meet the following minimum standards:

- (1) The site shall be located on a well drained and flood free site with proper drainage.

- (2) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (3) The site shall be located with direct access to an open public street.
- (4) There shall be buffer strips along side and rear lot lines of the park. Buffer strip shall mean a plant material which will provide a screen not less than six feet in height.
- (5) The mobile home park shall have a maximum density of 10 mobile home units per gross acre. All mobile home units shall abut on a driveway with unobstructed access to an open approved public street. Each mobile home shall be set back a minimum of ten (10) feet from property lines, and there shall be a minimum distance of 20 feet between mobile homes.
- (6) Each mobile home space shall be provided with a 200 square foot vehicular parking area.
- (7) No service building shall be located less than 20 feet from any mobile home space. Service buildings shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances.
- (8) Municipal water supply or an alternate source and sanitary sewer facilities approved by the county health officer shall be provided to each mobile home space.
- (9) Each mobile home park shall provide a common area for playgrounds, and leisure time pursuits totaling a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces, and parking spaces.
- (10) All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.
- (11) The drives, walks, and parking areas shall be paved with a hard surface material which shall be not less than a double bituminous surface.

(12) Driveways shall be a minimum of 20 feet in width.

(13) Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

(14) The park shall be adequately lighted.

## 2. Planned Unit Developments

Planned unit subdivisions may be approved by the Planning Commission provided they are connected to a publicly approved sewerage system and conform to the overall intent of these regulations.

## H. Mobile Home Subdivisions

The Planning Commission may approve a subdivision with lots designed and established exclusively for mobile homes. A mobile home is a detached single family dwelling unit with the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels, or on a flat-bed or other trailers or detachable wheels; and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like. Mobile home subdivisions shall meet the following standards.

1. The minimum lot sizes, setbacks, and yard requirements shall be the same as those established in this Article.

## I. Variances

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship; or

2. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized and the reasons therefore shall be stated in writing in the minutes of the Planning Commission.

## J. Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

### Article IV. Development Prerequisite to Final Approval

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

#### A. Required Improvements

Every subdivision developer shall be required to grade and improve streets and alleys, and to install curbs, monuments, sewers, storm water inlets and water mains, in accordance with specifications established by the Church Hill Regional Planning Commission. Where specifications adopted by local authorities conflict with standards as set forth in these subdivision regulations, the higher set of standards, as determined by the Planning Commission, shall govern.

##### 1. Monuments

a. Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half ( $\frac{1}{2}$ ) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

## 2. Grading

All street, roads and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the Planning Commission.

a. Preparation. Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.

b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below subgrade.

c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six (6) inches loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade is approved by Planning Commission, the subgrade shall be constructed as specified in Section 203 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction the water content shall not exceed the optimum of moisture.

## 3. Storm Drainage

An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula and in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at

a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed.

#### 4. Roadway Improvements

a. Base: A compacted base course six (6) inches deep and three (3) feet wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turn arounds and access streets to adjoining properties, according to the method specified in Section 33, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street. A compaction test shall be performed at the expense of the developer by a certified laboratory to verify that all such streets comply with all appropriate standards. (Amended by Ordinance No. 255, October 19, 1993).

b. Curbs: Except for rural streets as defined above, the subdivider shall install curbs of no lower classification than machine formed concrete extruded curb, nine (9) inches wide at the base and seven and one-half (7 ½) inches high. The curb shall be installed after the prime coat is applied to the base. Back fill shall be towards the curb to insure drainage of surface water into the drainage system.

In lieu of curbs as the drainage system on cul- de-sacs and loop streets in the planning region, the Planning Commission may accept one of two alternatives:

(1) swages may be used on streets where the finished grade does not exceed two (2) percent; or

(2) street with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres.

One-half (½) inch to three-fourths (¾) inch expansion and contraction joints for the curbs shall be placed at intervals not exceeding forty (40) feet.

c. Prime Coat: After a thoroughly compacted base has been established, a prime coat shall be applied as specified in Section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highway and Public Works - January 1, 1968, and latest revision thereto. In no event is the prime coat or binder to be less than two inches (2") deep. (Amended by Ordinance No. 255, October 19, 1993).

d. Wearing Surface: The wearing surface shall consist of surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under Section 411, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. It shall be constructed in one layer not less than one (1) inch thick to conform to the lines, grades and cross sections indicated on a plan approved by the inspecting engineer. (Amended by Ordinance No. 255, 10/19/1993).

5. Minimum Pavement Width

Due to the diversity of development in the Church Hill Planning Region ranging from sparsely populated agricultural areas to the densely populated urban areas, required widths for the surface treatment of roadways (by the developer) will necessarily vary with the character of building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

a. Arterial Streets . . . . . (not usually paved by developer)

b. Collector Streets . . . . . 28 feet

c. Minor Residential . . . . . 26 feet  
Most minor streets in residential developments involve parking and/or considerable traffic. (Amended by Ordinance No. 255, October 19, 1993)

d. Marginal Access . . . . . 20 feet  
Maximum length 1200 feet or 25 dwelling units.

e. Loop Streets . . . . . 20 feet  
Maximum length 1000 feet or 25 dwelling units.

f. Dead-end Streets (cul-de-sacs) . . . . . 20 feet

Maximum length 500 feet or 15 dwelling units.

- g. Rural Streets . . . . . 18 to 20 feet  
Without curbs - minimum of one-acre lots and 150 feet frontage.

6. Installation of Utilities

After grading is completed and approved and before any base is applied, all of the underground work - water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

7. Water Supply System

Water mains properly connected with the community water supply approved by the county health officer shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Fire hydrants are required to be installed when 6" water lines are available.

The size of water mains, the location and type of valves and hydrants, the amount of soil cover the pipes and other features of the installation shall be approved by the Planning Commission upon the recommendation of the Superintendent of Water and Light Commission or other applicable inspection agencies, and shall conform with accepted standards of good practice for municipal water systems.

8. Sanitary Sewers

a. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.

b. All lots connected to a sewer system shall be approved by the utility operating the system. They shall meet all requirements of the state health department and shall be approved by the Hawkins County Health Department.

c. Subdividers shall supply all data required for the installation and/or operation of the sewerage system to the

appropriate utility district, Hawkins County Health Department, and the Tennessee State Department of Health.

9. Erosion Control

The Planning Commission, shall require seeding or other conservation measures of all areas subject to erosion.

10. Street Name Signs

Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street name signs, stop signs, and other traffic control signs as designated by the Planning Commission will aid the subdivider with specifications for the construction, placing, and setting of such signs.

B. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Register of Deeds until one of the following conditions has been met:

1. All required improvements have been constructed in a satisfactory manner and approved by the City of Church Hill, Tennessee.

2. The Planning Commission has accepted a security or performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default of the subdivider. The conditions of such security or performance bond shall provide for the installation of the improvements covered by such bond within a period of not to exceed one (1) year; provided, however that such period may be extended by the Planning Commission with the consent of the parties thereto if the Planning Commission finds that the public interest will not be adversely affected by such extension. If the Planning Commission shall decide at any time during the performance bond that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this Section in sufficient amount to warrant reduction in the face amount of said bond, or that the character and the extent of such development require additional improvements for any or all such improvements, the face value of such performance bond shall thereupon

be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.

Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the State of Tennessee. In the case of a surety company, the performance bond shall be prepared according to the form as shown in Attachment A, said Attachment A is made a part of these subdivision regulations.

#### Article V. Enforcement and Penalties for Violations

The enforcement of these regulations and penalties for the unapproved recitation or transfer of land is provided by state law in the authority granted by public acts of the State of Tennessee.

##### A. Enforcement

1. No plat or plan of a subdivision of land into two or more lots located within the Church Hill Planning Region shall be admitted to the land records of the county or received or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in Title 13, Tennessee Code Annotated.

##### B. Penalties

1. No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

2. Sections 13-4-307 and 13-3-406, Tennessee Code Annotated, provides that "Whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by this Act and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties." In this case of the

regional Planning Commission, Section 13-3-410 provides that the county through its county attorney, or other official designated by the county commission may enjoin such transfer or sale or agreement by action of injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building commissioner or the solicitor of the municipality or other official designated by the chief legislative body and/or the county attorney or other official designated by the county commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.

#### Article VI. Adoption and Effective Date

A. Before adoption of these subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the Planning Commission, thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in each county lying wholly or partly in the planning region.

Adopted April 5, 1973

Effective \_\_\_\_\_

Signed \_\_\_\_\_

Secretary  
Church Hill Regional Planning Commission

**ATTACHMENT A**  
**PERFORMANCE BOND FORM**

KNOW ALL MEN By these presents;

WHEREAS \_\_\_\_\_ Principal herein is the owner and developer of the \_\_\_\_\_ Subdivision located in Church Hill, Tennessee and \_\_\_\_\_, a surety company authorized to do business in the State of Tennessee (hereinafter called the "surety") and

WHEREAS, the plans and specifications of said subdivision showing the location, construction and installation of streets, roads, curbs and utilities and other improvements therein have been filed with the Church Hill Regional Planning Commission for final approval, and which are referred to and made a part of this instrument, as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all streets, roads, sidewalks, curbs, and utilities, and all other improvements in the said subdivision in accordance with the plans and specifications attached hereto and made a part of this bond.

NOW, THEREFORE, the \_\_\_\_\_, as Principal and \_\_\_\_\_, as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators and successors unto the Church Hill Regional Planning Commission for and on behalf of Church Hill, Tennessee in the sum of \_\_\_\_\_ conditioned upon the performance by the Principal of its undertaking herein, and its completion of said \_\_\_\_\_ subdivision in the construction of all the streets, sidewalks, roads, curbs, and all other improvements therein called for by the plans and specifications attached hereto, the same to be completed on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, and, upon the completion thereof, this obligation to be null and void, otherwise to remain in full force and effect.

If the principal fails to complete the construction, and the improvements of said subdivision as shown and provided for by said plans and specifications attached hereto, within the time by order duly made and entered by the said commission for a period of up to 90 days, said extension to be granted in writing and certified by the Secretary of the Church Hill Planning Commission.

WITNESS our hands this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Surety

I, \_\_\_\_\_, do hereby certify  
(Agent of the Surety Company)

that the \_\_\_\_\_ is authorized  
(Name of the Surety Company)

to do business in the State of Tennessee as of the last date hereinabove set out.

\_\_\_\_\_  
(Agent of the Surety Company)

**ATTACHMENT B**

**FORMS FOR FINAL PLAT CERTIFICATIONS**

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public or private use as noted.

\_\_\_\_\_, 20\_\_\_\_\_

Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

**CERTIFICATE OF ACCURACY**

I hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the Church Hill Regional Planning Commission and that the monuments have been placed as shown hereon, to the specifications of the subdivision regulations.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Registered Engineer or Surveyor

**CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS**

I hereby certify that the private water supply and/or sewage disposal utility system or systems installed, or proposed for installation, fully meet the requirements of the Tennessee State Health Department, and are hereby approved as shown.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
County Health Officer or His  
Authorized Representative

**CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES**

I hereby certify: (1) that streets, utilities and \_\_\_\_\_  
\_\_\_\_\_ have been installed in an acceptable manner  
and according to specifications or, (2) that a surety bond in the amount of  
\$\_\_\_\_\_ has been posted with the Planning Commission to assure  
completion of all required improvements in case of default.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
County Engineer or County Road  
Commissioner

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations for Church Hill, Tennessee, with the exception of such variance, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the county register.

\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Secretary, Planning Commission

**ATTACHMENT C**

## **SUBDIVISION INSPECTION PROCEDURES**

In order to insure the proper development of subdivisions within the Church Hill Planning Region, a subdivision inspection system has been established. The Planning Commission has appointed a committee to inspect the progress of all developing subdivisions within its jurisdiction. The committee will inspect each developing subdivision three (3) times.

1. There will be an inspection immediately following clearance of the right-of-way;
2. Immediately following the laying and compacting of the 6" stone base; and
3. Before final approval is requested in order to insure that curbing, paving, backfilling, seeding, etc., have been accomplished.

The developer of a subdivision will be responsible for notifying the committee during each of the above mentioned steps. The committee will make its inspection promptly to insure a minimum of delay of the developer.

Inspection committee contacts are listed below. Failure to notify the committee of completion of each step mentioned above could delay final approval of a subdivision.

Committee contacts:

Tennessee State Planning Office  
Johnson City, Tennessee 37601  
928-8176

City of Church Hill  
Recorder's Office  
357-6161

**ORDINANCE NO. 10-438**

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION  
AND REVISION OF THE ORDINANCES OF THE CITY OF CHURCH  
HILL, TENNESSEE.**

**WHEREAS** some of the ordinances of the City of Church Hill 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 Church Hill, 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 "Church Hill Municipal Code," now, therefore:

**BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF CHURCH HILL, 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 "Church Hill Municipal Code," hereinafter referred to as the "municipal code."

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

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

code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

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

<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.

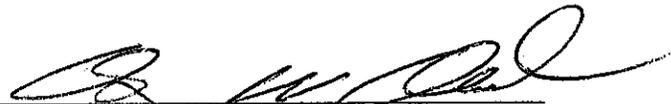
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**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be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

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

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

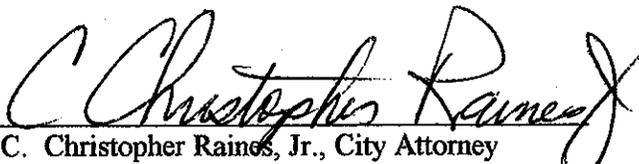
**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

  
Dennis W Deal, Mayor

ATTEST:

  
Mark Sandidge, City Recorder

APPROVED AS TO FORM

  
C. Christopher Raines, Jr., City Attorney

FIRST READING	AYES	NAYS	OTHER
DENNIS DEAL, Mayor	X		
B.D. CRADIC	X		
MARK DRINNON	X		
TOM KERN	X		
WILLIAM KILLEN	X		
LINDA MILLER	X		
GREG TIPTON	X		
<b>TOTALS</b>	<b>7</b>		

PASSED FIRST READING     MAY 18, 2010    

NOTICE OF PUBLIC HEARING PUBLISHED ON:     May 20, 2010    

NAME OF PUBLICATION:     KINGSPORT TIMES NEWS    

PUBLIC HEARING HELD ON:     JUNE 15, 2010    

SECOND READING	AYES	NAYS	OTHER
DENNIS DEAL, Mayor	X		
B.D. CRADIC	X		
MARK DRINNON			ABSENT
TOM KERN			ABSENT
WILLIAM KILLEN	X		
LINDA MILLER	X		
GREG TIPTON	X		
<b>TOTALS</b>	<b>5</b>	<b>0</b>	

PASSED SECOND READING     JUNE 15, 2010    

<p><b>ORDINANCE PUBLISHED ON:</b>  <b>DATE:</b> <u>    JUNE 17, 2010    </u>  <b>NEWSPAPER:</b> <u>    KINGSPORT TIMES NEWS    </u></p>
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