THE
COLLEGEDALE
MUNICIPAL
CODE

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

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

January 1994
CITY OF COLLEGEDALE, TENNESSEE

MAYOR
Katie Lamb

VICE MAYOR
Tim Johnson

COMMISSIONERS
Debbie Baker
Phil Garver
Ethan White

MANAGER
Wayne Hines
Preface

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

The able assistance of Tracy Gardner, the MTAS Sr. Word Processing Specialist who did all the typing on this project, is gratefully acknowledged.

Steve Lobertini
Codification Specialist
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

1. General power to enact ordinances: (6-19-101)

2. All ordinances shall begin, "Be it ordained by the City of Collegedale as follows:" (6-20-214)

3. Ordinance procedure

(a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

(c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)

4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. (6-20-218)
# TABLE OF CONTENTS

## INTRODUCTION

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICIALS OF THE CITY AT TIME OF CODIFICATION</td>
<td>ii</td>
</tr>
<tr>
<td>PREFACE</td>
<td>iii</td>
</tr>
<tr>
<td>ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER</td>
<td>v</td>
</tr>
</tbody>
</table>

## CHARTER

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHARTER TABLE OF CONTENTS</td>
<td>C-1</td>
</tr>
<tr>
<td>TEXT OF CHARTER</td>
<td>C-3</td>
</tr>
</tbody>
</table>

## CODE OF ORDINANCES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CODE-ADOPTING ORDINANCE</td>
<td>ORD-1</td>
</tr>
<tr>
<td>TITLE 1. GENERAL ADMINISTRATION</td>
<td>1-1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>1. BOARD OF COMMISSIONERS</td>
<td>1-1</td>
</tr>
<tr>
<td>2. MAYOR</td>
<td>1-4</td>
</tr>
<tr>
<td>3. CITY MANAGER</td>
<td>1-5</td>
</tr>
<tr>
<td>4. RECORDER</td>
<td>1-6</td>
</tr>
<tr>
<td>5. CODE OF ETHICS</td>
<td>1-7</td>
</tr>
<tr>
<td>TITLE 2. BOARDS AND COMMISSIONS, ETC.</td>
<td>2-1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>1. PARKS AND RECREATION BOARD</td>
<td>2-1</td>
</tr>
<tr>
<td>2. LIBRARY BOARD</td>
<td>2-3</td>
</tr>
<tr>
<td>TITLE 3. MUNICIPAL COURT</td>
<td>3-1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>1. CITY JUDGE</td>
<td>3-1</td>
</tr>
<tr>
<td>2. COURT ADMINISTRATION</td>
<td>3-3</td>
</tr>
<tr>
<td>PAGE</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td></td>
</tr>
<tr>
<td>3. WARRANTS, SUMMONSES, CITATIONS AND SUBPOENAS ................................ 3-5</td>
<td></td>
</tr>
<tr>
<td>4. BONDS AND APPEALS ........................................... 3-7</td>
<td></td>
</tr>
</tbody>
</table>

**TITLE 4. MUNICIPAL PERSONNEL ................................ 4-1**

**CHAPTER**
1. SOCIAL SECURITY ............................................ 4-1
2. VACATIONS, SICK LEAVE AND HOLIDAYS .......................... 4-3
3. PERSONNEL REGULATIONS .................................... 4-5
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM .............. 4-7
5. TRAVEL REIMBURSEMENT REGULATIONS ....................... 4-10

**TITLE 5. MUNICIPAL FINANCE AND TAXATION ..................... 5-1**

**CHAPTER**
1. MISCELLANEOUS ............................................. 5-1
2. REAL PROPERTY TAXES ...................................... 5-2
3. PRIVILEGE TAXES ............................................ 5-3
4. PURCHASING PROCEDURES .................................... 5-4
5. DEBT POLICY .................................................. 5-9

**TITLE 6. LAW ENFORCEMENT ..................................... 6-1**

**CHAPTER**
1. POLICE DEPARTMENT ........................................ 6-1
2. MUNICIPAL ENFORCEMENT OFFICERS ......................... 6-4

**TITLE 7. FIRE PROTECTION AND FIREWORKS ....................... 7-1**

**CHAPTER**
1. GENERAL PROVISIONS ....................................... 7-1
2. FIRE CODE ................................................... 7-2

**TITLE 8. ALCOHOLIC BEVERAGES ................................ 8-1**

**CHAPTER**
1. INTOXICATING LIQUORS ...................................... 8-1
2. BEER ......................................................... 8-4
3. BROWN BAGGING AND CORKAGE ............................... 8-9
TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC ........... 9-1

CHAPTER
1. MISCELLANEOUS ........................................ 9-1
2. PEDDLERS, SOLICITORS, ETC ......................... 9-2
3. POOL ROOMS .......................................... 9-10
4. AMBULANCE SERVICE .................................... 9-11
5. CABLE TELEVISION ...................................... 9-12
6. ADULT-ORIENTED ESTABLISHMENTS ........ 9-13

TITLE 10. ANIMAL CONTROL ................................. 10-1

CHAPTER
1. DEFINITIONS .......................................... 10-1
2. IN GENERAL ........................................... 10-4
3. DOGS AND CATS ....................................... 10-7
4. MUNICIPAL DOG PARK ................................. 10-10
5. LARGE AND SMALL ANIMALS ......................... 10-14

TITLE 11. MUNICIPAL OFFENSES ............................. 11-1

CHAPTER
1. MISDEMEANORS OF THE STATE
   ADOPTED ........................................... 11-1
2. ALCOHOL .............................................. 11-2
3. GAMBLING, FORTUNE TELLING, ETC ................. 11-3
4. OFFENSES AGAINST THE PERSON ..................... 11-4
5. OFFENSES AGAINST THE PEACE AND QUIET .......... 11-5
6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL .... 11-8
7. FIREARMS, WEAPONS AND MISSILES ................. 11-9
8. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC ... 11-11
9. OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE ............. 11-12

TITLE 12. BUILDING, UTILITY, ETC. CODES ............... 12-1

CHAPTER
1. BUILDING CODE ...................................... 12-1
2. PLUMBING CODE .................................... 12-4
3. ELECTRICAL CODE .................................. 12-6
4. GAS CODE .......................................... 12-8
5. PROPERTY MAINTENANCE CODE ...................... 12-13
6. UNSAFE BUILDING ABATEMENT CODE .......... 12-15
7. ACCESSIBILITY CODE .......................... 12-17
8. MECHANICAL CODE ............................ 12-19
9. MANUFACTURED HOMES PERMIT FEE .......... 12-21
10. POST DEVELOPMENT STORM WATER ORDINANCE .......... 12-22
11. RESIDENTIAL CODE ........................... 12-25
12. ENERGY CONSERVATION CODE .................. 12-27
13. BOARD OF BUILDING CONSTRUCTION APPEALS .................. 12-28

TITLE 13. PROPERTY MAINTENANCE REGULATIONS ........ 13-1

CHAPTER
1. MISCELLANEOUS .............................. 13-1
2. SLUM CLEARANCE ............................ 13-5
3. JUNKYARDS ................................. 13-10

TITLE 14. ZONING AND LAND USE CONTROL .......... 14-1

CHAPTER
1. [REPEALED.]
2. ZONING ORDINANCE .......................... 14-2
3. AIR POLLUTION CONTROL .................... 14-3
4. MUNICIPAL PLANNING COMMISSION ........... 14-4
5. STORMWATER RUNOFF REGULATION AND CONTROL .................. 14-5
6. MOBILE HOME ORDINANCE ................... 14-15
7. LANDSCAPE ORDINANCE ..................... 14-24
8. MULTI-MODAL TRANSPORTATION STANDARDS ................. 14-51

TITLE 15. MOTOR VEHICLES, TRAFFIC AND PARKING .......... 15-1

CHAPTER
1. MISCELLANEOUS PROVISIONS ................. 15-1
2. SPEED LIMITS ............................... 15-11
3. TURNING MOVEMENTS .......................... 15-12
4. STOPPING AND YIELDING ..................... 15-13
5. PARKING ................................. 15-17
6. ENFORCEMENT .............................. 15-20
7. INOPERATIVE MOTOR VEHICLES ............... 15-22
TITLE 16. STREETS AND SIDEWALKS, ETC ....................... 16-1

CHAPTER
1. MISCELLANEOUS .............................. 16-1
2. EXCAVATIONS ............................... 16-5
3. ISSUANCE OF LICENSES, PERMITS AND/OR
   AUTHORIZATIONS .......................... 16-9

TITLE 17. REFUSE AND TRASH DISPOSAL ....................... 17-1

CHAPTER
1. REFUSE ..................................... 17-1

TITLE 18. WATER AND SEWERS ............................... 18-1

CHAPTER
1. WATER AND SEWERS .......................... 18-1
2. CROSS CONNECTIONS, AUXILIARY
   INTAKES, ETC ............................ 18-4
3. WASTEWATER USER CHARGES, ETC .......... 18-6
4. SEWER EXTENSION POLICY ................... 18-14
5. WASTEWATER COLLECTION SYSTEM AND
   TREATMENT WORKS REGULATIONS ........ 18-18
6. STORMWATER POLLUTION CONTROL ....... 18-56

TITLE 19. ELECTRICITY AND GAS ............................ 19-1

CHAPTER
1. ELECTRICITY ................................ 19-1
2. GAS ....................................... 19-2

TITLE 20. MISCELLANEOUS ................................. 20-1

CHAPTER
1. TELEPHONE SERVICE ......................... 20-1
2. TITLE IV COMPLIANCE MANUAL ............. 20-2
3. OFFICE OF ADMINISTRATIVE HEARING
   OFFICER ................................... 20-3

CERTIFICATE OF AUTHENTICITY ......................... CERT-1

APPENDIX A ........................................ APP-1
TITLE 1

GENERAL ADMINISTRATION

CHAPTER 1

BOARD OF COMMISSIONERS

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Number of commissioners increased.
1-105. Date of city election and transitional elections.
1-106. Salary of mayor and commissioner.

1-101. Time and place of regular meetings. The board of commissioners shall hold regular monthly meetings at 6:00 p.m. on the first and third Mondays of each month at city hall. Whenever a regular board of commissioners meeting falls on a public holiday the meeting will be held on the next business day. (1977 Code, § 1-101, as amended by Ord. #293, June 1992)

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

1Charter reference
See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
1-2

(1) Call to order by the mayor.
(2) Invocation and the Pledge of Allegiance.
(3) Roll call by the recorder.
(4) Approval of previous meeting minutes.
(5) Comments from citizens.
(6) Unfinished business.
(7) New business.
(8) Request for reports from city administration/commissioners by the mayor.
(9) Adjournment. (1977 Code, § 1-102, as amended by Ord. #583, July 2003, replaced by Ord. #672, April 2007, and Ord. #698, Sept. 2008, and amended by Ord. #1091, Feb. 2021 Ch8_07-19-21)

1-103. General rules of order. (1) The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised in Brief (2004), shall govern the transaction of business by and before the board of commissioners 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) Notwithstanding the adoption of Robert's Rules of Order as specified in (1) above, absent a waiver of the same by a majority of the commissioners present at any meeting, the following time limits are imposed on the items listed below:

(a) Each commissioner is limited to a total of five (5) minutes discussion on any motion;
(b) Each commissioner is limited to a total of two (2) minutes of comments or discussion during his or her report time, which may not be extended by making a motion;
(c) Each speaker during the comments from citizens time is limited to five (5) minutes. (1977 Code, § 1-103, as amended by Ord. #698, Sept. 2008)

1-104. Number of commissioners increased. (1) The number of members composing the city commission of the City of Collegedale, Tennessee, shall be five (5), as provided in Tennessee Code Annotated, section 6-20-101, and with terms as set out therein.

(2) This section shall take effect from and after the date of approval by a majority of the voters in the next regularly called city election following passage of this ordinance by the city commission, said procedure being in accord with that set out in the Tennessee Code Annotated, section 6-20-101. (1977 Code, § 1-104)

1-105. Date of city election and transitional elections. (1) At the city election to be held on the third Tuesday of March, 2011, the voters of the city shall elect two (2) commissioners who shall serve a transitional term as provided by Tennessee Code Annotated, §6-20-102(c)(2)(B) until the first meeting of the
board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2014, or until their successors are elected and qualified.

(2) At the general election to be held on the first Tuesday after the first Monday in November, 2014, and at the election held every four (4) years after that date, the voters of the city shall elect two (2) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified.

(3) At the city election to be held on the third Tuesday of March, 2013, the voters of the city shall elect three (3) commissioners who shall serve a transitional term as provided by Tennessee Code Annotated, §6-20-102(c)(2)(B) until the first meeting of the board of commissioners following the general election to be held on the first Tuesday after the first Monday in November, 2016, or until their successors are elected and qualified.

(4) At the general election to be held on the first Tuesday after the first Monday in November, 2016, and at the election held every four (4) years after that date, the voters of the city shall elect three (3) commissioners who shall serve four (4) year terms of office, or until their successors are elected and qualified. (as added by Ord. #749, July 2010)

1-106. Salary of mayor and commissioners. (1) For the commissioners elected as provided in § 1-105(2) of the Collegedale Municipal Code at the general election of November, 2014, the salary shall be four hundred fifty dollars ($450.00) per month.

(2) For the commissioners elected as provided in § 1-105(4) of the Collegedale Municipal Code at the general election of November, 2016, and for all commissioners elected thereafter, the salary shall be four hundred fifty dollars ($450.00) per month.

(3) For the mayor elected by the commissioners for a two (2) year term beginning at the first meeting after the November, 2014 election as provided by Tennessee Code Annotated, § 6-20-201(a), and for all mayors elected thereafter, the salary shall be five hundred dollars ($500.00). (as added by Ord. #991, June 2014)
CHAPTER 2

MAYOR

SECTION
1-201. Duties

1-201. Duties. The duties of the mayor are set out in sections 6-20-208, 6-20-209, 6-20-213 and 6-20-219 of the charter of the City of Collegedale. (1977 Code, § 1-201)
CHAPTER 3

CITY MANAGER

SECTION

1-301. Duties of manager.

1-301. Duties of manager. The city manager shall be the administrative head of the city government subject to the direction of the board of commissioners. In the capacity of administrative head, he shall appoint, remove and supervise the heads of the various departments of the city government except in those cases otherwise provided for by law. He shall attend meetings of the board of commissioners and make such recommendations to them as he may deem necessary. He shall serve as budget officer and purchasing agent for the city. (1977 Code, § 1-301)

1Charter reference
For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly section 6-21-101.

2Charter references
For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:
- General and specific administrative powers: 6-21-108.
- School administration: 6-21-801.
- Supervision of departments: 6-21-303.
CHAPTER 4

RECORDER¹

SECTION
1-401. To be bonded.
1-402. To keep minutes, etc.
1-403. To perform general clerical duties, etc.

1-401. To be bonded. The recorder shall be bonded in such sum as determined by the board of commissioners. (1977 Code, § 1-401, modified)

1-402. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of commissioners and shall preserve the original copy of all ordinances in a separate ordinance book. (1977 Code, § 1-402)

1-403. To perform general clerical duties, etc. The recorder shall perform all clerical duties for the board of commissioners, for the city manager, and for the city which are not expressly assigned by the charter, this code, or the city manager to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1977 Code, § 1-403)

¹Charter references
For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly sec. 6-22-119.
CHAPTER 5

CODE OF ETHICS

SECTION
1-501. Applicability.
1-502. Definition of "personal interest."
1-503. Disclosure of personal interest by official with vote.
1-504. Disclosure of personal interest in nonvoting matters.
1-505. Acceptance of gratuities, etc.
1-506. Use of information.
1-507. Use of municipal time, facilities, etc.
1-508. Use of position or authority.
1-509. Outside employment.
1-510. Ethics complaints.
1-511. Violations.

1-501. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #671, Feb. 2007)

1-502. Definition of "personal interest." (1) For purposes of paragraphs (3) and (4), "personal interest" means:
   (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
   (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
   (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #671, Feb. 2007)
1-503. 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 from voting on the measure. (as added by Ord. #671, Feb. 2007)

1-504. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #671, Feb. 2007)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:
(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #671, Feb. 2007)

1-506. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #671, Feb. 2007)

1-507. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #671, Feb. 2007)
1-508. 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 municipality.

(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 municipality. (as added by Ord. #671, Feb. 2007)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #671, Feb. 2007)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the 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 governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #671, Feb. 2007)
1-511. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #671, Feb. 2007)
TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER 1

1. PARKS AND RECREATION BOARD.
2. LIBRARY BOARD.

CHAPTER 1

PARKS AND RECREATION BOARD

SECTION

2-101. Creation.
2-102. Membership and compensation.
2-103. Members; terms of members.
2-104. Powers and duties.
2-105. Organization and meetings.

2-101. Creation. There is hereby created a park and recreation advisory board. Said board shall have all duties and powers pursuant to Tennessee Code Annotated, title 11, chapter 24, and shall be an advisory board. (as added by Ord. #478, Jan. 1997)

2-102. Membership and compensation. The advisory board shall consist of five (5) persons, to be appointed by the mayor, to serve for terms of three (3) years or until their successors are appointed, except that the members of such board or commission first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of the board shall serve without pay. Vacancies in such board or commission occurring otherwise than by expiration of term shall be filled only for the unexpired term, and such appointment shall be filled by the mayor. (as added by Ord. #478, Jan. 1997, and replaced by Ord. #1072, Aug. 2019 Ch7_11-4-19)

2-103. Members; terms of members. The following persons shall be appointed to serve on this board for terms outlined below:

(1) Wolf Jedamski (one year)
(2) Verle Thompson (two years)
(3) Phil Garver (three years)
(4) E. W. Dempsey (four years)
(5) Rodney Keeton (five years) (as added by Ord. #681, Aug. 2007 and renumbered by Ord. #1072, Aug. 2019 Ch7_11-4-19)
2-104. Powers and duties. The board shall study the operation and maintenance of city parks, the development of future sites, and other matters relating to the establishment and maintenance of the city's recreation systems and facilities. The board shall not be responsible for the supervision of staff, the hiring or dismissal of staff, the expenditure of public funds or the promulgation or enforcement of rules and regulations governing parks and recreation facilities or programs. However, the board may advise the city commission on any of these matters and act on behalf of the governing body, on a case by case basis, if so authorized by the city commission. (as added by Ord. #681, Aug. 2007, and renumbered by Ord. #1072, Aug. 2019 Ch7_11-4-19)

2-105. Organization and meetings. The board shall elect from its voting members a chairman, a vice-chairman, and a secretary. The terms of office shall be for one (1) year with eligibility for re-election. The board shall adopt rules, regulations, and by-laws for the performance and discharge of its duties and objectives. All officers, departments, committees, boards, and commissions of the city shall render reasonable and necessary assistance to the board. The board shall meet in regular session at least four (4) times a year, but may meet more frequently as necessary. Called meetings of the board shall be determined by the chairman or a majority of the voting membership. Notice of and conduct of said meetings shall be in accordance with the requirements of Tennessee Code Annotated, § 8-44-101, et seq. (as added by Ord. #681, Aug. 2007)
CHAPTER 2
LIBRARY BOARD

SECTION
2-201. Library board established.
2-202. Appointment and tenure of members; filling vacancies.
2-203. Removal from office; filling of vacancies.
2-204. Powers and duties of the library board.
2-205. Use of library.

2-201. Library board established. There is hereby established a library board which shall consist of seven (7) members, who shall serve without compensation. (as added by Ord. #782, Sept. 2011)

2-202. Appointment and tenure of members; filling vacancies. Three (3) members of the library board shall be appointed by the city commission for one (1) year, two (2) for two (2) years and two (2) for three (3) years, and their successors for a term of three (3) years. Not more than one (1) city commissioner shall serve on this board. Not more than five (5) of the members shall be of the same sex. Five (5) of the seven (7) members shall be City of Collegedale residents. Vacancies in the library board occurring otherwise than by normal expiration of a term shall be filled by the city commission for the unexpired portion of the term. (as added by Ord. #782, Sept. 2011)

2-203. Removal from office; filling of vacancies. Any member of the library board may be removed from office by majority vote of the city commission for failing to attend meetings of the board, for any other neglect of duties as such member or for any misconduct in office. (as added by Ord. #782, Sept. 2011)

2-204. Powers and duties of library board. The members of the library board shall organize by electing officers and adopting bylaws and regulations. Subject to any contract the city manager has recommended and the city commission has approved with a private contractor for the administration of the library, the board has the power to direct all the affairs of the library, including making and enforcing rules and regulations. Such board may receive donations, devises and bequests to be used by it directly for library purposes. The library board shall furnish to the state library agency such statistics and information as may be required, and shall make annual reports to the city manager who will forward the same to the city commission. Annually, in concert with any private contractor administering the library, the library board shall submit a budget to the city manager who shall evaluate the same and forward it to the city commission with his recommendation. All city tax funds and appropriate fees for library purposes, whether raised by bonds or taxation, shall be held by the
city manager or appropriate designee. Such funds may be disbursed when properly drawn upon by vouchers or requisitions. Proceeds from the sale of surplus books by the town library may be credited to such special fund in the discretion of the library board. All library accounts of every character and kind shall be audited annually by or under the supervision and direction of the city manager. (as added by Ord. #782, Sept. 2011)

2-205. Use of library. The Collegedale Public Library shall be free to the residents of the city; but the city commission in its discretion, and after consultation with the library board, extend the privilege and facilities of the library to persons residing outside the city upon such terms as it may deem proper. The library board shall have power to make and enforce rules providing penalties for loss of or injury to library property. (as added by Ord. #782, Sept. 2011)
CHAPTER 1
CITY JUDGE

SECTION 3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1977 Code, § 1-601)
3-102. Jurisdiction. (1) Violation of municipal ordinances. The city judge shall have the authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed $500.

(2) Violation of state laws. The city judge shall also have the authority to exercise jurisdiction concurrent with courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate limits of the city.

3-103. Popular election, term, salary, etc.¹ (1) Popular election. At the next regular judicial election held in accordance with art. VII, § 5 of the Tennessee Constitution, and every eight years thereafter, the city judge shall be elected by the qualified voters of the city for a term of eight years. The city judge shall take office September 1 next following his or her election. However, the office of city judge during the interim period before the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution shall be filled as follows:

(a) The board of commissioners shall appoint a city judge to serve until the next regular August general state election;

(b) At the next regular August general state election that takes place at least thirty (30) days after the effective date of this chapter, the qualified voters of the city shall elect a city judge to serve until the next regular judicial election held in accordance to art. VII, § 5 of the Tennessee Constitution.

(2) Qualifications. The city judge shall be a resident of the City of Collegedale one year and a resident of Tennessee five years immediately preceding his election, at least 30 years old and licensed to practice law in Tennessee.

(3) Vacancies in office. Vacancies in the office of city judge shall be filled by the board of commissioners for the unexpired portion of the term.

¹Ord. #630, March 2006, setting the compensation of the city judge is of record in the office of the city recorder.
CHAPTER 2

COURT ADMINISTRATION

SECTION
3-201. Maintenance of docket.
3-202. Imposition of fines, and costs.
3-203. Disposition and report of fines, and costs.
3-204. Disturbance of proceedings.
3-205. Electronic citation fee.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1977 Code, § 1-602)

3-202. Imposition of fines and costs. All fines, and costs shall be imposed and recorded by the city judge on the city court docket in open court. In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions¹ for similar work in state cases. (1977 Code, § 3-108)

3-203. Disposition and report of fines, and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of commissioners a report accounting for the collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1977 Code, § 1-611)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1977 Code, § 1-612)

3-205. Electronic citation fee. (1) A fee of five dollars ($5.00) shall be collected on each citation for a violation of any traffic ordinance that results in a plea of guilty or nolo contendre or a judgment of guilty, for the purpose of funding the development and operation of an electronic citation system for the

¹State law reference
Collegedale Police Department. One dollar ($1.00) of such fee shall be retained by the city court clerk and used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Four dollars ($4.00) of such fee shall be retained in a special fund designated for the Collegedale Police Department Electronic Citation Program and used for related expenditures, equipment, repairs, replacement, and training to maintain the electronic citation program.

(2) This ordinance adding this section shall take effect on August 4, 2019, upon the expiration of the effective period established by Ord. #997, the public welfare requiring it. (as added by Ord. #997, July 2014, and replaced by Ord. #1067, April 2019 Ch7_11-4-19)
CHAPTER 3

WARRANTS, SUMMONSES, CITATIONS AND SUBPOENAS

SECTION
3-301. Issuance of arrest warrants.
3-302. Issuance of summonses.
3-303. Citations in lieu of arrest.
3-304. Issuance of subpoenas.

3-301. Issuance of arrest warrants. ¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1977 Code, § 3-103)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1977 Code, § 1-604)

3-303. Citations in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of commissioners appoints the building inspector special police officer having the authority to issue citations in lieu of arrest to any person who violates an ordinance of the City of Collegedale in his presence.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special office in whose presence the offense was committed shall immediately arrest the

¹State law reference
For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.
offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

3-304. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1977 Code, § 1-605)
CHAPTER 4

BONDS AND APPEALS

SECTION
3-401. Appearance bonds authorized.
3-402. Appeals.
3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1977 Code, § 1-607)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next term of the circuit court upon posting a proper appeal bond. (1977 Code, § 1-609)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1977 Code, § 1-610)

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1State law reference
CHAPTER

SOCIAL SECURITY

SECTION

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1977 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1977 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. (1977 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. (1977 Code, § 1-705)
CHAPTER 2

VACATIONS, SICK LEAVE AND HOLIDAYS

SECTION
4-201. Applicability of chapter.
4-202. Paid time off.
4-203. Leave records.
4-204. Holidays.

4-201. Applicability of chapter. This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. A full time officer or employee is one who works a minimum of 1800 hours per year for the city. (1977 Code, § 1-801)

4-202. Paid time off. (1) Paid time off (P.T.O.) may be used for absences for which the employee is to be paid. It is used for illness, personal time, holidays, vacations, etc.

(2) P.T.O. starts accruing when an employee has been hired full time. P.T.O. stops accruing upon the day of termination.

(3) Accrued paid time off accrues against actual time worked or leave time if comp time is used for leave and is based on the following schedule:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>8%</td>
<td>0-1 Year</td>
</tr>
<tr>
<td>10%</td>
<td>2-10 Years</td>
</tr>
<tr>
<td>12%</td>
<td>11-15 Years</td>
</tr>
<tr>
<td>14%</td>
<td>16+</td>
</tr>
</tbody>
</table>

(4) The philosophy of a paid time off program is to give an employee a break from his work so the he can return to his work in a refreshed condition. It is expected that the employee will take all 8 holidays and at least 5 days of vacation time each year.

(5) Part-time and temporary employees are not eligible for P.T.O.

(6) P.T.O. will not be accrued on overtime, therefore, P.T.O. time base for accrual will not exceed 80 hours in any given pay period.

(7) If there is no accrued P.T.O. the employee may not be paid for absences.

(8) Fractions of a day off will be allowed if the time has been requested and properly scheduled.

(9) A resigning employee must give two weeks notice and work out this notice before he/she can receive accrued P.T.O. No P.T.O. may be taken during this two-week notice.

(10) Upon forced termination or death of employee, the employee or beneficiaries will be paid any balance of P.T.O. he/she may have accrued.
4-203. **Leave records.** The city manager 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. (1977 Code, § 1-804)

4-204. **Holidays.** Except and in addition to such other holidays as may be from time-to-time declared by the board of commissioners, the following days shall be official holidays for employees of the City of Collegedale:

<table>
<thead>
<tr>
<th>Holiday Name</th>
<th>Holiday Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1st of each year</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Friday before Easter of each year</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May of each year</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4th of each year</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September of each year</td>
</tr>
<tr>
<td>Thanksgiving</td>
<td>Fourth Thursday in November of each year and the following Friday</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25th of each year</td>
</tr>
<tr>
<td>Employee's birthday</td>
<td>Anniversary of employee's date of birth</td>
</tr>
</tbody>
</table>
CHAPTER 3
PERSONNEL REGULATIONS

SECTION
4-301. Business dealings.
4-302. [Repealed.]
4-303. [Repealed.]
4-304. Political activity.
4-305. [Repealed.]
4-306. [Repealed.]
4-307. Strikes and unions.
4-308. Other rules and regulations.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1977 Code, § 1-901)

4-302. [Repealed.] (1977 Code, § 1-902, as repealed by Ord. #633, June 2006)

4-303. [Repealed.] (1977 Code, § 1-903, as repealed by Ord. #633, June 2006)

4-304. Political activity. City officers and employees may individually exercise their right to vote and, privately express their political views as citizens. However, no city officer or employee shall solicit political campaign contributions or engage in or actively participate in any city political campaign. These restrictions shall not apply to elective officials or law enforcement officers when they are not on city property, in uniform or on duty. (1977 Code, § 1-904)

4-305. [Repealed.] (1977 Code, § 1-905, as repealed by Ord. #633, June 2006)

4-306. [Repealed.] (1977 Code, § 1-906, as repealed by Ord. #633, June 2006)

4-307. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1977 Code, § 1-907)
4-308. Other rules and regulations. The board of commissioners may from time to time pass additional personnel rules and regulations which will be on file in the office of the recorder.
CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM1

SECTION
4-401. Establishment.
4-402. Program.
4-403. Coverage.
4-404. Standards authorized.
4-405. Variances from standards authorized.
4-406. Administration.
4-407. Funding the program.

4-401. Establishment. In compliance with Public Chapter 561 of The General Assembly of the State of Tennessee for the year 1972, the City of Collegedale hereby establishes the "Occupational Safety and Health Program" for its employees. (1977 Code § 1-1001)

4-402. Program. There is hereby created a safety and health program for employees.

Title: This chapter shall provide authority for establishing and administrating the Occupational Safety and Health Program Plan for the employees of The City of Collegedale.

Purpose: The board of commissioners, 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.

1See Appendix A for the plan of operation for the Occupational Safety and Health Program for the employees of the City of Collegedale.
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 of 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. (1977 Code, § 1-1002, as replaced by Ord. #584, Aug. 2003, and further replaced by Ord. #633, June 2006)

4-403. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Collegedale 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. (1977 Code, § 1-1002, as replaced by Ord. #584, Aug. 2003, and further replaced by Ord. #633, June 2006)

4-404. Standards authorized. The occupational safety and health standards adopted by the board of commissioners 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 1972.1 (as added by Ord. #584, Aug. 2003, and replaced by Ord. #633, June 2006)

4-405. Variances from standards authorized. The director 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 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 director shall notify or serve notice to employees, their designated representatives, or

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1State law reference
Tennessee Code Annotated, title 50, chapter 3.
interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the director shall be deemed sufficient notice to employees. (as added by Ord. #584, Aug. 2003, and replaced by Ord. #633, June 2006)

4-406. Administration. For the purposes of this chapter, building official is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer a plan. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter 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. (as added by Ord. #584, Aug. 2003, and replaced by Ord. #633, June 2006)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of commissioners. (as added by Ord. #584, Aug. 2003, and replaced by Ord. #633, June 2006)
CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

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

4-501. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (Ord #305, Aug. 1993)

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

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

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

(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.
4-11

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #305, Aug. 1993)

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

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #305, Aug. 1993)

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

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #305, Aug. 1993)
TITLE 5
MUNICIPAL FINANCE AND TAXATION

CHAPTER
1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. PURCHASING PROCEDURES.
5. DEBT POLICY.

CHAPTER 1
MISCELLANEOUS

SECTION
5-102. Fiscal year.
5-103. Sealed bids required on purchases over $10,000.


5-102. Fiscal year. The fiscal year for the City of Collegedale shall begin annually July 1st and end June 30th next. (1977 Code, § 6-102)

5-103. Sealed bids required on purchases over $10,000. (1) The City of Collegedale shall require formal advertised sealed bids only on purchases greater than ten thousand dollars ($10,000).

(2) The city manager has authority to purchase up to three thousand five hundred dollars ($3,500) limit without prior approval from the commission, provided evidence of thorough competitive price quotations are furnished to the commission. (Ord. # 275, June 1990, as replaced by Ord. #463, Oct. 1996)

1Charter reference
Finance and taxation: title 6, chapter 22.

2Charter reference
Tennessee Code Annotated, section 6-22-120 prescribes depositories for city funds.
CHAPTER 2
REAL PROPERTY TAXES

SECTION
5-201. When due and payable.
5-202. When delinquent--penalty and interest.

5-201. **When due and payable.** Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1977 Code, § 6-201)

5-202. **When delinquent--penalty and interest.** All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes. (1977 Code, § 6-201)
CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.
5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (title 67, chapter 4, Tennessee Code Annotated) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the said act. The proceeds of the privilege taxes herein levied shall accrue to the general fund. (1977 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1977 Code, § 6-302)
CHAPTER 4

PURCHASING PROCEDURES

SECTION
5-401. Powers and duties of purchasing agent.
5-402. Written requisitions required.
5-403. Council approval of purchase unnecessary, when.
5-404. Expenditures requiring approval of the city manager.
5-405. Competitive bidding; exemptions.
5-406. Submitting and awarding bids.
5-407. Rental or lease expenditures.
5-408. Contracts requiring bonds.
5-409. Emergency purchases.
5-410. Adherence to provisions; individual liability.
5-411. Petty cash fund.
5-412. Certification of unencumbered balance required.
5-413. Exemption of fuel, fuel products and perishable commodities from public advertisement and competitive bidding requirements.

5-401. Powers and duties of purchasing agent. The city manager or his designee is hereby designated as the purchasing agent and shall possess the following powers and perform the following duties under the general supervision of the city manager:

(1) He shall contract for and purchase all supplies, materials, equipment and services necessary for the conduct and operation of departments and agencies of the city.

(2) He may transfer from one department or agency to any other departments or agencies such supplies, materials, and equipment or other personal property not needed by one but necessary to the conduct and operation of the other; or may sell any personal property belonging to the city which is recommended as surplus by the key manager of a department to the city manager, or by the city commission.

(3) He shall have charge of and supervision over all storerooms and be responsible for distributing such supplies to the various departments.

(4) He may, subject to the approval of the city commission, advertise for and enter into contracts for goods and services as needed.

(5) He may establish standard specifications as to quantity and quality for all supplies, materials and equipment generally needed by the departments.

(6) Any action relating to the acquisition or disposal of real property requires the approval of the city commission.

The city manager may enter into binding contracts on behalf of the city, without specific approval of the city commission, for routine purchases and matters not having substantial long term consequences. For the purpose of this
section, a matter does not have substantial long term consequences if it is a
contract for a period of one (1) year or less. (as added by Ord. #786, Dec. 2011)

5-402. Written requisitions required. All purchases made under the
provisions of this chapter shall be made pursuant to a written requisition from
the head of the department, except for those purchases authorized by using a
procurement card, petty cash, or fixed price agreement. (as added by Ord. #786,
Dec. 2011)

5-403. Commission approval of purchase unnecessary, when. Where the
amount of the requisition or voucher does not exceed the exemption allowed by
state law for exemption from competitive bidding, approval by the city
commission shall not be necessary for the issuance of a purchase order or
payment of a voucher or the execution of a contract. In no event shall a
requisition, voucher, or contract be split or divided into two (2) or more with the
intent of evading the necessity of having competitive bids and/or the necessity
of obtaining the approval of the city commission. (as added by Ord. #786, Dec.
2011)

5-404. Expenditures requiring approval of the city manager; spending
limit of city manager. Whenever any requisition or voucher or contract calls for
the expenditure of less than the maximum exemption allowed by state law for
exemption from competitive bidding and is more than five hundred dollars
($500.00), the issuance of a purchase order or the payment of a voucher or the
award of a contract shall be subject to the approval of the city manager or his
designee, and shall not be binding on or create any liability against the city until
approved as such. The city manager will set the spending limits the key
managers and other staff, not to exceed the spending limits imposed on the city
manager by law. The city commission will set by separate action as necessary
the spending limits of the city manager, not to exceed any amount allowed by
law. (as added by Ord. #786, Dec. 2011)

5-405. Competitive bidding; exemptions. Whenever any requisition or
voucher or contract calls for an expenditure exceeding the maximum amount
allowed by state law, or contract for construction or remodeling of existing
structures or sites calls for an expenditure exceeding the maximum amount
allowed by state law for exemption from competitive bidding, there shall be
competitive bids. At the direction of the purchasing agent and the city manager,
notice for bids shall be advertised at least once in a general circulation
newspaper at least fifteen (15) days prior to the time set for a public opening of
bids. The purchasing agent may also issue written invitations to bid to dealers
in the articles to be purchased in addition to, but not in lieu of, the
advertisement required hereunder. However, secondhand equipment or
equipment purchased from any federal, state or municipal agency, where it is
not practicable to take bids, may be purchased without taking bids, but such purchases shall be subject to the requirements of §§ 5-403 and 5-404. Also, items covered by federal or state government service contract prices may be exempted at the discretion of the purchasing agent and the city manager.  (as added by Ord. #786, Dec. 2011)

5-406. Submitting and awarding bids. All bids shall be sealed and submitted to the purchasing agent on or before the specified time when such bidding is to be closed. All bids will be awarded by the city council unless otherwise designated by the city council. Recommendation of bids other than the lowest bids must be justified in writing.  (as added by Ord. #786, Dec. 2011)

5-407. Rental or lease expenditures. The rental or lease of any equipment, materials or vehicles, where the expenditure for the rental or lease period does not exceed ten thousand dollars ($10,000.00), or maximum allowed by state law, may be made by the head of any department. But where the expenditure is more than ten thousand dollars ($10,000.00), for rental or lease of equipment, materials or vehicles, there shall be competitive bids.  (as added by Ord. #786, Dec. 2011)

5-408. Contracts requiring bonds. No contract shall be let for any public work until the contractor shall have first executed a good and solvent bond or letter of credit to the effect that he will perform according to the contract and pay for all the labor and materials used by said contractor, or any immediate or remote subcontractor under him, in said contract in lawful money of the United States. The bond or letter of credit to be so given shall be for one hundred percent (100%) of the contract price. Where advertisement is made, the condition of the bond or letter of credit shall be stated in the advertisement; provided, that this section shall not apply to contracts under ten thousand dollars ($10,000.00).  (as added by Ord. #786, Dec. 2011)

5-409. Emergency purchases. Emergency purchases are to be made only when normal functions and operations of the city or one (1) of its departments would be hampered by submitting a request to the city commission in the regular manner, or when property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., and are needed immediately. In the event of an apparent emergency which requires immediate procurement of supplies, material and equipment, or contractual services, the city manager shall be empowered to authorize the procurement, at the lowest available price, any supplies or contractual services, not to exceed ten thousand dollars ($10,000.00), or maximum purchase price allowed by state law, where time does not permit the taking of informal bids. A full report of the circumstances of an emergency purchase shall be filed by the city manager with the city commission at its next meeting, and shall be entered on the minutes of
the city commission. Any emergency purchases exceeding ten thousand dollars ($10,000.00), or the maximum allowed by state law, shall require the concurrence of the city manager and the mayor. In such event, the city manager will then schedule this item of business for the next scheduled meeting of the city commission, and at said meeting a description of the emergency that has occurred, the item purchased, where the item was purchased and the price paid for said item shall be read into the minutes. Action shall then be taken by the entire city commission for approval. (as added by Ord. #786, Dec. 2011)

5-410. Adherence to provisions; individual liability. All contracts, purchase orders, agreements and obligations issued or entered into contrary to the provisions of the foregoing sections shall be void and no person shall have any claim or demand whatever against the city thereunder, nor shall any official or employee of the city waive or qualify the limitation fixed by the preceding section or fasten upon the city any liability whatever contrary to such limitation. (as added by Ord. #786, Dec. 2011)

5-411. Petty cash fund. The finance manager, with the approval of the city manager shall authorize certain departments and/or officials to maintain a petty cash fund not to exceed four hundred fifty dollars ($450.00) from which purchases or payments may be made not to exceed fifty dollars ($50.00) each, and receipts shall be attached to the warrant voucher replenishing said petty cash fund. (as added by Ord. #786, Dec. 2011)

5-412. Certification of unencumbered balance required. No contract, purchase order, agreement or other obligations involving the expenditure of any money shall be issued or entered into or be valid unless the finance manager or designee, first certifies thereon that there is in the city treasury to the credit of the appropriation or loan authorization from which it is to be paid an unencumbered balance in excess of all other unpaid obligations. If any official or employee of the city authorizes or incurs an obligation against the city without first securing the city clerk's certification as required by this section, such official or employee and his sureties shall be individually liable for the amount of such obligation. (as added by Ord. #786, Dec. 2011)

5-413. Exemption of fuel, fuel products and perishable commodities from public advertisement and competitive bidding requirements. Purchases of fuel and fuel products and perishable commodities are exempted 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 purchasing agent and shall specify the amount paid, the items purchased and from whom the purchase was made. The purchasing agent shall make a monthly report of such purchases to the city manager and/or the city
commission and shall include all items of information as required herein in his report. (as added by Ord. #786, Dec. 2011)
CHAPTER 5

DEBT POLICY

SECTION
5-501. Definition of debt.
5-502. Approval of debt.
5-503. Transparency.
5-504. Role of debt.
5-506. Use of variable rate debt.
5-507. Use of derivatives.
5-508. Costs of debt.
5-509. Refinancing outstanding debt.
5-510. Professional services.
5-511. Policy review.
5-512. Compliance.

5-501. Definition of debt. All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type whether from an outside source such as a bank or from another internal fund. (as added by Ord. #785, Dec. 2011)

5-502. Approval of debt. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the city commission prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the city commission; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (as added by Ord. #785, Dec. 2011)

5-503. Transparency. (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance. All notices shall be posted in the customary and required posting locations, including as required local newspapers, bulletin boards, and websites. All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens, city commission, and other stakeholders in a timely manner.

(2) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner.
(3) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner. (as added by Ord. #785, Dec. 2011)

5-504. Role of debt. (1) Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Long-term debt shall not be used to finance current operations.

(2) Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(3) In accordance with Generally Accepted Accounting Principles and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #785, Dec. 2011)

5-505. Types and limits of debt. (1) The city will seek to limit total outstanding debt obligations to twenty percent (20%) of gross general fund revenues, excluding overlapping debt, enterprise debt, and revenue debt.

(2) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(3) The city's total outstanding debt obligation will be monitored and reported to the city commission by the finance manager in conjunction with the city manager. The finance manager and the city manager shall monitor the maturities and terms and conditions of all obligations to ensure compliance. They shall also report to the city commission any matter that adversely affects the credit or financial integrity of the city.

(4) The city is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(5) The city will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(6) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a
public meeting and the mayor and governing body must determine such use is justified and in the best interest of the city.

(7) The city may use capital leases to finance short-term projects.

(8) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The city may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the city. The city commission and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the city's general fund. (as added by Ord. #785, Dec. 2011)

5-506. Use of variable rate debt. (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) The city also recognizes, however, there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks; including:

(a) The city will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the city commission shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the city commission shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the city commission will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (as added by Ord. #785, Dec. 2011)

5-507. Use of derivatives. The city chooses not to use derivative or other exotic financial structures in the management of the city's debt portfolio. Prior to any reversal of this provision:

(1) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the city commission; and
(2) The city commission must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the State Funding Board Guidelines. (as added by Ord. #785, Dec. 2011)

5-508. Costs of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the city commission in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e. general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (as added by Ord. #785, Dec. 2011)

5-509. Refinancing outstanding debt. (1) The city will refund debt when it is in the best financial interest of the city to do so, and the finance manager and city manager shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The finance manager and city manager will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions - Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring for economic purposes - The city will refund debt when it is in the best financial interest of the city to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the finance manager and city manager if the refunding generates positive present value savings, and the finance manager and city manager must establish a minimum present value savings threshold for any refinancing.

(c) Term of refunding issues - The city will refund bonds within the term of the originally issued debt. However, the finance manager and city manager may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The finance manager and city manager may also consider shortening the term of the originally issued debt to realize greater savings. The
remaining useful life of the financed facility and the concept of intergenerational equity should guide this decision.

(d) Escrow structuring - The city shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(e) Arbitrage - The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (as added by Ord. #785, Dec. 2011)

5-510. Professional services. (1) The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(2) Counsel. The city shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction. No engagement letter is required for any lawyer who is an employee of the city or lawyer or law firm which is under a general appointment or contract to serve as counsel to the city. The city does not need an engagement letter with counsel not representing the city, such as underwriters' counsel.

(3) Financial advisor. The city shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the city.

(4) Underwriter. The city shall require the underwriter to clearly identify itself in writing e.g., in a response to a request for proposals or in promotional materials provided to an issuer as an underwriter and not as a financial advisor from the earliest stages of its relationship with the city with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the entity. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the governing body or city manager in advance of the pricing of the debt.

(5) Professionals involved in a debt transaction hired or compensated by the city shall be required to disclose to the city existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring
organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the city to appreciate the significance of the relationships.

(6) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #785, Dec. 2011)

5-511. Policy review. This policy shall be reviewed at least annually by the city commission with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with opportunity for public input. (as added by Ord. #785, Dec. 2011)

5-512. Compliance. The finance manager in conjunction with the city manager is responsible for ensuring compliance with this policy. (as added by Ord. #785, Dec. 2011)
TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE DEPARTMENT.
2. MUNICIPAL ENFORCEMENT OFFICERS.

CHAPTER 1

POLICE DEPARTMENT\(^1\)

SECTION
6-101. Police department created.
6-102. Duties of the police department; police chief.
6-103. Organization of police department.
6-104. Policemen subject to police chief's orders.
6-105. Policemen to preserve law and order, etc.
6-106. Policemen to wear uniforms and be armed.
6-107. When policemen to make arrests
6-108. When policemen may require assistance in making arrests.
6-109. Police division records.
6-110. Terms, meanings.

6-101. Police department created. Under the authority of § 6-21-302 of the Collegedale City Charter, the police is created. (1977 Code, § 1-501, as repealed and replaced by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-102. Duties of the police department; police chief. Police services shall be provided in the City of Collegedale Police Department, which shall have all the powers, duties and responsibilities conferred upon the police department under the charter of the City of Collegedale, and any other laws of the State of Tennessee. (1977 Code, § 1-502, as repealed and replaced by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-103. Organization of police department. The police department shall be divided into one division and shall be staffed by officers and other municipal employees in the number provided for by the city manager. (1977 Code, § 1-503,

\(^1\)Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 6.
6-104. **Policemen subject to police chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1977 Code, § 1-504, as repealed and replaced by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-105. **Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the City of Collegedale. 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. (1977 Code, § 1-505, as repealed and replaced by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-106. **Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and shall carry a service weapon at all times while on duty unless otherwise expressly directed by the police chief for a special assignment. (1977 Code, § 1-507, as repealed and replaced by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-107. **When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

1. Whenever he is in possession of a warrant for the arrest of the person.
2. Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
3. Whenever a felony has in fact been committed and officers have reasonable cause to believe the person has committed it. (as added by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-108. **Policemen may require assistance in making arrests.** It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (as added by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

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1Municipal code reference
Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 6.
6-109. Police division records. The police division 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 division. (as added by Ord. #328, § 1, June 1995, as repealed and replaced by Ord. #593, May 2004)

6-110. Terms, meanings. Anywhere in the Collegetdale Municipal Code are found the following terms, those terms shall be given the meaning indicated:

(1) The term "public safety director" and similar terms shall respectively mean, "police chief."
(2) The terms, "public safety department" or similar terms shall mean "police department." (as added by Ord. #593, May 2004)
CHAPTER 2

MUNICIPAL ENFORCEMENT OFFICERS

SECTION
6-201. Title. This chapter may be referred to as the "Municipal Enforcement Officers' Commission Ordinance." (as added by Ord. #1040, Oct. 2017)

6-202. Definitions. When used in this chapter, the term "municipal enforcement officer" means any person employed by the city and commissioned by city commission to enforce the codes and ordinances of the city, or any portion thereof, or any person appointed by the chief of police to enforce the ordinances of the city related to parking. For the purposes of this chapter, "municipal enforcement officer" includes "municipal enforcement officers," as defined in Tennessee Code Annotated, § 7-63-101 and "special police officers," as defined in Tennessee Code Annotated, § 7-63-201. (as added by Ord. #1040, Oct. 2017)

6-203. Authority to establish additional regulations. The city manager, or if the city manager elects, the police chief has the authority to establish and enforce rules and regulations for the operation of municipal enforcement officers in the interest of public safety, morals and welfare, and to effectuate the general purpose of this division. (as added by Ord. #1040, Oct. 2017)

6-204. Carrying of weapons prohibited. No municipal enforcement officer may carry a firearm in the execution of his official duties, although an employee may carry a private firearm in his vehicle consistent with state law. If the employee feels physically threatened in any way, he or she should leave the immediate presence of the threat and call law enforcement to address the situation. (as added by Ord. #1040, Oct. 2017)

6-205. Conditions of commissions. The following shall apply to all commissions:
(1) Municipal enforcement officers appointed under this chapter shall not have general law enforcement authority, and shall have the authority to enforce only those codes and ordinances of the city of that directly pertain to their employment by the city, or, if so commissioned, to enforce the ordinances of the city related to parking.

(2) Commissions issued under this chapter are to be issued by resolution of the city commission.

(3) Commissions issued under this division shall not be transferable.

(4) A municipal enforcement officer commission shall be automatically revoked upon termination of the municipal enforcement officer's employment with the city. (as added by Ord. #1040, Oct. 2017)

6-206. Powers. Municipal enforcement officers appointed under the provisions of this division shall have the power and authority to issue citations for violations of the codes and ordinances of the city within the scope of their employment, but not otherwise. No municipal enforcement officer shall have the power or authority to make arrests except as may be authorized for private citizens by Tennessee Code Annotated, § 40-7-109 or use force in the discharge of said municipal enforcement officer's duties except as may be authorized by Tennessee Code Annotated, § 39-11-621. (as added by Ord. #1040, Oct. 2017)

6-207. Form of citation. (1) Citations in lieu of arrest may be issued for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances, and violation of municipal parking offenses as provided in title 11 of this code. The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender.

(2) Ordinance summonses in the areas of sanitation, litter control and animal control. The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender.

(3) It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation or summons was issued.

(4) If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

(a) Have a summons issued by the clerk of the city court, or
(b) May seek the assistance of a police officer to witness the violation.
The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in accordance with Tennessee Code Annotated, § 7-63-104. (as added by Ord. #1040, Oct. 2017)

6-208. Conduct. In addition to any rules of conduct imposed as part of their employment, municipal enforcement officers shall conduct themselves at all times in such a manner as to reflect favorably on the city. (as added by Ord. #1040, Oct. 2017)
CHAPTER 1
GENERAL PROVISIONS

SECTION
7-101. Fire limits described.
7-102. Fire protection.

7-101. Fire limits described. The corporate fire limits shall be and include all the property within the corporate limits which is zoned for business use. (1977 Code, § 7-101)

7-102. Fire protection. Fire protection shall be furnished for the city and its inhabitants under such contract as the board of commissioners shall grant.¹ (1977 Code, § 7-102)

¹Agreements to furnish fire protection services to the City of Collegedale are of record in the office of the recorder.
CHAPTER 2

FIRE CODE

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

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2018 edition and Appendices A, B, C, D, E, F, G, H, I, J, K, L, M and N as prepared and adopted by the International Code Council, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire code has been filed with the city recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 7-201, modified, as amended by Ord. #333, § 1, Aug. 1995, Ord. #507, March 1998, Ord. #757, Sept. 2010, Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1977 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Collegedale, Tennessee. (1977 Code, § 7-203)

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

2Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.
7-204. **Storage of explosives, flammable liquids, etc.** (1) The district referred to in section 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, is hereby declared to be the fire district as set out in section 7-101 of this code.

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

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

(4) The district referred to in section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire district as set out in section 7-101 of this code. (1977 Code, § 7-204)

7-205. **Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1977 Code, § 7-205)

7-206. **Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1977 Code, § 7-206)

7-207. **Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1977 Code, § 7-207)
8-1

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.
3. BROWN BAGGING AND CORKAGE.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-102. Consumption of alcoholic beverages on premises.
8-103. Privilege tax on retail sale of alcoholic beverages for consumption on premises.
8-104. Annual privilege tax to be paid to the city recorder.
8-105. Concurrent sales of liquor by the drink and beer.
8-106. Advertisement of alcoholic beverages.
8-107. [Deleted.]
8-108. [Deleted.]
8-109. [Deleted.]
8-110. [Deleted.]

8-101. Definitions. As used in this chapter, unless the context indicates otherwise: All of the definitions and provisions of Tennessee Code Annotated, section 57-3-101 are adopted for the interpretation of this chapter and are made applicable to the sale and regulation of alcoholic beverages within the city. (1977 Code, § 2-101, as amended by Ord. #320, Jan. 1995; and replaced by Ord. #489, May 1997, Ord. #536, July 2000, Ord. #723, Sept. 2009, and Ord. #764, Jan. 2011)

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

1Municipal code reference
Driving under the influence: § 15-104.
State law reference
Tennessee Code Annotated, title 57.
limits of Colledgale, Tennessee. It is the intent of the board of commissioners that the said Tennessee Code Annotated, title 57, chapter 4, inclusive, shall be effective in Collegedale, Tennessee, the same as if said code sections were copied herein verbatim. (as added by Ord. #489, May 1997, deleted by Ord. #723, Sept. 2009, and added by Ord. #764, Jan. 2011)

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 authorized by Tennessee Code Annotated, title 57, chapter 4, section 301, for the City of Collegedale 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 Collegedale on alcoholic beverages for consumption on the premises where sold. (as added by Ord. #489, May 1997, deleted by Ord. #723, Sept. 2009, and added by Ord. #764, Jan. 2011)

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 Collegedale 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. #489, May 1997, deleted by Ord. #723, Sept. 2009, and added by Ord. #764, Jan. 2011)

8-105. Concurrent sales of liquor by the drink and beer. In order to concurrently sell liquor by the drink and beer, any person, firm, corporation, joint stock company, syndicate or association which has received a license to sell alcoholic beverages in the City of Collegedale, pursuant to Tennessee Code Annotated, title 57, chapter 4 shall also qualify to receive a beer permit from the city for on-premises consumption as required by chapter 2 of this title. (as added by Ord. #489, May 1997, deleted by Ord. #723, Sept. 2009, and added by Ord. #764, Jan. 2011)

8-106. Advertisement of alcoholic beverages. All advertisement of the availability of liquor for sale by those licensed pursuant to Tennessee Code Annotated, title 57, chapter 4, shall be in accordance with the rules and regulations of the Tennessee Alcoholic Beverage Commission. (as added by Ord.
8-107. [Deleted.] (as added by Ord. #489, May 1997, amended by Ord. #594, May 2004, deleted by Ord. #723, Sept. 2009, added by Ord. #764, Jan. 2011, and deleted by Ord. #848, June 2012)

8-108. [Deleted.] (as added by Ord. #489, May 1997, amended by Ord. #594, May 2004, and deleted by Ord. #723, Sept. 2009)

8-109. [Deleted.] (as added by Ord. #489, May 1997, and deleted by Ord. #723, Sept. 2009)

8-110. [Deleted.] (as added by Ord. #489, May 1997, replaced by Ord. #704, Nov. 2008, and deleted by Ord. #723, Sept. 2009)
CHAPTER 2

BEER

SECTION
8-201. Beer board established.
8-202. Meetings of the beer board.
8-203. Record of beer board proceedings to be kept.
8-204. Requirements for beer board quorum and action.
8-205. Powers and duties of the beer board.
8-206. "Beer" defined.
8-207. Permit required for engaging in beer business.
8-208. Privilege tax.
8-209. Beer permits shall be restrictive.
8-210. Consumption permits
8-211. Sale of beer for both on premises and off premises consumption
8-212. [Deleted.]
8-213. [Deleted.]
8-214. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
8-215. Revocation or suspension of beer permits.
8-216. Civil penalty in lieu of revocation or suspension.
8-217. Loss of clerk's certification for sale to minor.
8-218. Hours of beer sales allowed.
8-219. Violations.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of commissioners. The mayor shall be the chairman of the beer board. (as added by Ord. #723, Sept. 2009)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (as added by Ord. #723, Sept. 2009)

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each
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. (as added by Ord. #723, Sept. 2009)

8-205. **Powers and duties of the beer board.** The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (as added by Ord. #723, Sept. 2009)

8-206. **"Beer" defined.** The term "beer" as used in this chapter shall mean beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight percent (8%) by weight, except wine as defined in Tennessee Code Annotated, § 57-3-101; 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. (as added by Ord. #723, Sept. 2009, and replaced by Ord. #1029, April 2017)

8-207. **Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars ($250.00). Said fee shall be in the form of a cashier's check payable to the City of Collegedale, Tennessee. 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. (as added by Ord. #723, Sept. 2009)

8-208. **Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars ($100.00). 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 Collegedale, 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. (as added by Ord. #723, Sept. 2009)

8-209. **Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for off premises consumption. A single permit may be issued for on premise and 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 express restrictions or conditions in his permit. (as added by Ord. #723, Sept. 2009)

8-210. **Consumption permits.** Permits issued by the beer board shall consist of two (2) classes:
   (1) **On premises permit.** An on premises permit shall be issued for the consumption of beer only on the premises.
   (2) **Off premises permit.** An off premises permit shall be issued for the consumption of beer only off the premises. (as added by Ord. #723, Sept. 2009)

8-211. **Sale of beer for both on premises and off premises consumption.** A single permit may be issued to sell beer for both on premises and off premises consumption at the same location. (as added by Ord. #723, Sept. 2009)

8-212. [Deleted.] (as added by Ord. #723, Sept. 2009, and deleted by Ord. #1029, April 2017)

8-213. [Deleted.] (as added by Ord. #723, Sept. 2009, replaced by Ord. #764, Jan 2011, and deleted by Ord. #848, June 2012)

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) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.
   (3) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
   (4) Allow drunk persons to loiter about his premises.
   (5) 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.
(6) Allow pool or billiard playing in the same room where beer is sold and/or consumed.

(7) Fail to provide and maintain separate sanitary toilet facilities for men and women.  (as added by Ord. #723, Sept. 2009)

8-215. 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. (as added by Ord. #723, Sept. 2009)

8-216. 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. (as added by Ord. #723, Sept. 2009)

8-217. 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. (as added by Ord. #723, Sept. 2009)

8-218. Hours of beer sales allowed. (1) For on-premises consumption, beer as defined herein to may not be consumed on the licensed premises between the hours of 3:00 A.M. and 8:00 A.M. on Monday through Saturday or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday unless the local jurisdiction has opted out of the expanded hours.

(2) For off-premises consumption, the sale of beer as defined shall be permitted seven (7) days a week, twenty-four (24) hours a day. (as added by Ord. #723, Sept. 2009, and replaced by Ord. #764, Jan. 2011)

8-219. Violations. Except as provided in § 8-215, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #723, Sept. 2009)
CHAPTER 3

BROWN BAGGING AND CORKAGE

SECTION

8-301. Brown bagging and corkage, generally.
8-302. Definitions.
8-303. Beer board and police to enforce chapter
8-304. Hours regulated.
8-305. Sales to incapacitated or incompetent persons prohibited.
8-306. Employment of minors.
8-307. Immoral acts prohibited on premises.
8-308. Telephone and reports or disorders.
8-309. Permit required.
8-310. Application fee.
8-311. Location to be designated.
8-312. Grounds for refusal.
8-313. When beer board may issue.
8-314. To be posted.
8-315. Not transferrable.
8-316. Grounds for revocation or suspension.

8-301. Brown bagging and corkage, generally. The provisions of this chapter shall apply to all persons who operate an establishment selling setups for mixed drinks or provide corkage setups for wine, and who permit brown bagging in their establishment. It shall not apply to those persons or businesses only having a beer permit as provided in title 8, chapter 2 of the city code or having a permit for the sale of alcoholic beverages for consumption on the premises issued by the Alcoholic Beverage Commission of the state under the provisions of Tennessee Code Annotated, § 57-4-201. (as added by Ord. #764, Jan 2011)

8-302. Definitions. As used in this chapter, the following definitions shall apply:

(1) "Brown bag" or "brown bagging" shall mean the practice of patrons, customers or guests bringing alcoholic beverages upon their premises or any person selling setups for mixed drinks or providing corkage services for wine.

(2) "Corkage" shall mean the practice of providing patrons, customers, or guests with opening devices and glasses in connection with the consumption of wine.

(3) "Person selling setups for mixed drinks" shall mean and include any person deriving receipts from the sale of setups for mixed drinks consumed on the premises.
(4) "Setups for mixed drinks" shall mean and include sales of water, soft drinks, fruit juices, or any item capable of being used to prepare a mixed drink at such establishment. (as added by Ord. #764, Jan 2011)

8-303. Beer board and police to enforce chapter. (1) The beer board shall issue permits, and revoke or suspend licenses issued for the activities described in § 8-108, except where such action would be inconsistent with any specific provision of this chapter.

(2) The city police and building inspector shall enforce all laws, ordinances and rules regulating establishments selling setups for mixed drinks, wine consumption, or permitting brown bagging. (as added by Ord. #764, Jan 2011)

8-304. Hours regulated. No permittee under this chapter shall sell any setup for purposes of mixing with alcoholic beverages, provide corkage services, or permit any alcoholic beverages to be consumed on the premises between the hours of 11:00 P.M. and 10:30 A.M. on any day of the week. The permittee shall not permit or suffer the presence of any alcoholic beverages on the premises during such hours. (as added by Ord. #764, Jan 2011)

8-305. Sales to incapacitated or incompetent persons prohibited. No permittee under this chapter shall permit or allow any intoxicated person to be on the premises or to dispense, serve, sell setups or provide corkage to such persons. (as added by Ord. #764, Jan 2011)

8-306. Employment of minors. No person under the age of eighteen (18) years shall be permitted to dispense, serve, sell setups, or provide corkage in any establishment which has been issued a permit under this chapter without being in full compliance with Tennessee Code Annotated, § 57-3-704. (as added by Ord. #764, Jan 2011)

8-307. Immoral acts prohibited at premises. It shall be unlawful for any person to appear or be on the premises of a permittee under this chapter so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view, and it shall be unlawful for any permittee to permit or allow any such person to appear or be in or on the premises. Further, it shall be unlawful to perform, or for the permittee to allow to be performed, on the premises any of the following acts or kinds of conduct:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;
(3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;
(4) The permitting by a permittee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus; or
(5) The displaying of films or pictures depicting acts, a live performance of which is prohibited by the sections quoted above. (as added by Ord. #764, Jan 2011)

8-308. Telephone and reports of disorders. All permittees are required to maintain a telephone in good working order on the premises and to report all fights and other public disorders occurring on such premises immediately, whether or not participants in any such disorder have left the premises. (as added by Ord. #764, Jan 2011)

8-309. Permit required. No person shall engage in the business of operating establishments selling setups for mixed drinks, providing corkage services, or permit brown bagging on any premises without having been issued a permit therefor. Such permit shall be obtained upon application and payment of fees as hereinafter provided. A duly issued permit shall allow such establishments to permit its patrons, customers, or guests to bring alcoholic beverages upon its premises for purposes of personal consumption or to otherwise permit brown bagging. (as added by Ord. #764, Jan 2011)

8-310. Application; fee. (1) All applications for a permit to sell setups for mixed drinks or to permit brown bagging shall be filed with city recorder. The police department shall make an investigation of the applicant and determine whether or not the location meets all the requirements of this chapter, and report all findings to the beer board. The beer board shall make such other and further investigation it deems advisable and shall issue or deny a permit in its discretion.
(2) The application shall be accompanied by a fee of one hundred dollars ($100.00) for use in offsetting the expense of investigating the applicant and an annual renewal fee of fifty dollars ($50.00) every year thereafter to be paid on or before January 1 of each year. (as added by Ord. #764, Jan 2011)

8-311. Location to be designated. The location of the premises at which the business of the permittee will be conducted shall be designated in the permit and in the application therefor. (as added by Ord. #764, Jan 2011)

8-312. Grounds for refusal. (1) No permit shall be issued where the operation of the business conducted thereunder may cause congestion of traffic, interfere with schools, churches, parks or other places of public assembly, or otherwise interfere with the public health, safety and morals, or where this
chapter or any other law would be violated, including, but not limited to, the zoning laws. No permit shall be issued to any person or premises wherein a permit to sell beer or other alcoholic beverages or a permit under this chapter has been revoked within three (3) years or is under suspension.

(2) No such establishment shall be located within three hundred feet (300’) of any active school or church. The distances provided for herein shall be measured in a straight line by beginning at the front door of the business location and going from that point to the front door of any active church house or active school.

(3) All applicants for a permit shall be required in their application to list and identify all schools, churches, or other places of public gathering which are believed to be within the distance specified in subsection (2) of this section.

(4) The beer board may, in its discretion, require any applicant for a permit to submit as a part of his application a survey by a duly licensed surveyor when a school, church, or other place of public assembly is in close proximity to the applicant's premises; and when, because of limiting conditions such as topography, the accuracy of other methods of measurement is deemed to be inadequate and a survey is deemed reasonably necessary to establish an accurate distance relative to the applicant’s entitlement to a permit under the provisions of this section.

(5) To the extent that it shall be called to the attention of the beer board that it may have issued any permit to a location not qualified under the provisions of this section, then it shall be the duty of the beer board, upon notice to the permittee and an opportunity for the permittee to be heard, to revoke any permits which have been issued in violation of this section. (as added by Ord. #764, Jan 2011)

8-313. When beer board may issue. The beer board shall issue no permit until the application therefor has been approved following a public hearing at a regularly scheduled council meeting with reasonable public notice. (as added by Ord. #764, Jan 2011)

8-314. To be posted. Any permit issued under this chapter shall be posted in a conspicuous place on the premises of the permittee. (as added by Ord. #764, Jan 2011)

8-315. Not transferable. No permit issued by the beer board under the provisions of this chapter shall be transferable from one (1) person to another. (as added by Ord. #764, Jan 2011)

8-316. Grounds for revocation or suspension. (1) The beer board shall revoke or suspend, and shall be charged with the duty of revoking or
suspending, any permits issued by it, upon notice to the permittee and a hearing thereon, for any violation of any provisions of this chapter or any other ordinance, state law or regulation or federal law or regulation governing the operation of such establishments or when the permittee:

(a) Operates a disorderly place; or
(b) Allows gambling on the premises; or
(c) Allows fighting or boisterous or disorderly conduct on the premises; or
(d) Has been convicted by final judgment of a court of competent jurisdiction of a crime involving moral turpitude; or
(e) Allows minors to congregate about the premises after normal hours of business; or
(f) Sells or transfers the equipment or assets of the business authorized by his permit to another for the purpose of conducting the business at the same location; or
(g) Has made a false statement of a material fact in any application or notice to the board; or
(h) Sells, furnishes, disposes of or gives, or causes to be sold, furnished, disposed of or given, any setup to any person under the age of twenty-one (21) years when it reasonably appears that such person under the age of twenty-one (21) years will use the setup for purposes of mixing a drink with any alcoholic beverages; or
(i) Denies access to any portion of the premises wherein the use of setups for mixing alcoholic beverages is permitted, whether or not that portion of the premises issued specifically for the sale of setups; or
(j) Has been convicted by final judgment of any court of competent jurisdiction of any crime or misdemeanor involving the sale or consumption of beer or alcoholic beverages; or
(k) Allows violation of any provision of this chapter to occur on the licensed premises; or
(l) Allows violations of the rules and regulations of the health department; resulting in revocation or suspension of any permit issued by the health department; or
(m) Consumes or permits any employee to consume any alcoholic beverages while on the premises, or to be intoxicated while on the premises; or
(n) Allows litter or debris to accumulate in or around the premises, including the sidewalks and streets adjacent thereto; and/or fails to provide and maintain adequate solid waste containers and resolve nuisance problems in connection with such containers; or
(o) Allows any server under eighteen (18) years of age to serve any set-ups without being in full compliance with Tennessee Code Annotated, § 57-3-704.
(2) The beer board may also, in its discretion, revoke a permit for due cause not specified herein. (as added by Ord. #764, Jan 2011)
TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.1

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. POOL ROOMS.
4. AMBULANCE SERVICE.
5. CABLE TELEVISION.
6. ADULT-ORIENTED ESTABLISHMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a going out of business" sale. A "going out of business" sale for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1977 Code, § 5-102)

1Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Privilege taxes: title 5.
CHAPTER 2

PEDDLERS, SOLICITORS, ETC.¹

SECTION
9-201. Definitions.
9-203. Permit required; eligibility.
9-204. Permit procedure.
9-205. Business license required.
9-207. Additional restrictions on transient vendors.
9-208. Display of permit, business license, etc.
9-209. Revocation of permit.
9-210. Violation and penalty.

9-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person who individually or as an agent or employee of any firm, corporation, or organization, who has no permanent regular place of business and who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person who individually or as an agent or employee of any firm, corporation or organization, who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes as that term is defined below.

(3) "Solicitor for charitable or religious purposes" means any person who individually or as an agent or employee of any firm, corporation or organization who goes from dwelling to dwelling without an invitation or request from the occupant, or from business to business, or from place to place, or from street to street, soliciting contributions from the public for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars ($10.00). No

¹ Municipal code references
Privilege taxes: title 5.
Trespass by peddlers, etc.: § 11-801.
person, firm, corporation or organization shall qualify as a solicitor for charitable or religious purposes unless it meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or a similar "umbrella" organization for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Hamilton County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Street barker" means any person who engages in the business or conduct as a peddler individually or as an agent or employee of any firm, corporation or organization during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

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

\[\text{State law reference}
\]

\[\text{Tennessee Code Annotated, § 62-30-101, et seq. contains permit requirements for "transitory vendors."}\]

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of $50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).
or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

9-202. **Exemptions.** The terms of this chapter shall not apply to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, or to persons selling agricultural products, who themselves produced the products being sold.

9-203. **Permit required; eligibility.** It is the intent of this section to treat each person, and each firm, corporation and organization, and each agent for same, and each person who as an employee or who in any other capacity for such firm, corporation or organization, is covered by this chapter, as a separate person for the purposes of investigation and payment of the permit fee.

Individuals, firms, corporations and organizations are eligible for a permit under this chapter. Persons applying for an individual permit under this chapter shall complete an application on forms provided by the city, and pay the permit fee. Agents applying for a permit for a firm, corporation, or organization under this chapter shall complete a separate application, and pay a separate permit fee for, the firm, corporation or organization, and the agent, and for each individual who as an employee of, or in any other capacity for, the firm, corporation or organization, will engage in the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker.

9-204. **Permit procedure.** (1) **Application form.** The application shall be sworn to by the applicant, and shall contain:

(a) Name, date of birth, social security number or other identification number of the applicant, his or her physical description, and a copy of his or her drivers license.

(b) The following complete addresses and telephone numbers of the applicant:

(1) Permanent
(2) Permanent business
(3) Local residential
(4) Local business

(c) If the applicant is an agent or employee of a firm, corporation or organization, the written credentials establishing the applicant's employee or any other agency relationship with the firm, corporation or organization.

(d) A statement as to whether or not the applicant has been convicted of any felony within the past ten (10) years, or any misdemeanor other than a minor traffic violation within the past three (3) years, the date and place of any conviction, the nature of the offense, and the punishment or penalty imposed.
(e) The last three (3) cities, towns, or other political subdivisions (if that many) the applicant engaged in the business or conduct as a peddler, solicitor, solicitor for religious or charitable purposes, transient vendor, or street Barker immediately prior to making application for a permit under this chapter, and the complete addresses, if any, of the applicant listed under (b) above in those cities, towns or other political subdivisions.

(f) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, measuring two inches by two inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(g) A brief description of the type of business and the goods to be sold or in the case of solicitors for charitable or religious purposes, the function of the organization.

(h) The dates for which the applicant intends to do business or make solicitations.

(i) The make, model, complete description, and license tag number and state of issue, of each vehicle the applicant intends to use to make sales or solicitations, whether or not such vehicle is owned by the person making sales or solicitations, or by the firm, corporation or organization itself, or rented or borrowed from another business or person.

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

Permit fee. Each applicant for a permit as a peddler, solicitor, or transient vendor shall submit with his application a nonrefundable fee of fifty dollars ($50.00). Each applicant for a permit as a street Barker shall submit with his application a nonrefundable fee of twenty-five dollars ($25.00). There shall be no fee for an application for a permit as a solicitor for charitable or religious purposes.

Denial or approval of permit. (a) Investigation. Upon the receipt of the application and the payment of the permit fee, the chief of police or his authorized designee shall make an investigation of the applicant for the protection of the public health, safety and general welfare of the public. The police chief shall make a good faith effort to complete the investigation within three complete working days, excluding Saturdays, Sundays and holidays of the city. If the investigation is not complete within that period, the reasons shall be noted on the application. In no event shall the period of the investigation exceed ten (10) days.

(b) Denial of permit. The chief of police shall deny the applicant a permit if the investigation discloses that

(i) The applicant has been convicted of a felony within the past ten (10) years or has been convicted or a misdemeanor other than a minor traffic violation within the past three (3) years; or
(ii) Any information in the application that is materially false or misleading; or

(iii) The business reputation of the applicant is such that the applicant constitutes a threat to the public health, safety or general welfare of the citizens of the city.

(iv) The information supplied in the application is insufficient to permit the chief of police to make a determination under (i), (ii) or (iii) above.

The application of a firm, corporation or organization may be rejected if the investigation discloses no information that would disqualify it for a permit where the investigation of the agent or a prospective peddler, solicitor, solicitor for charitable purposes, street barker or transient vendor for the firm, corporation or organization discloses information that disqualifies any of them for a permit.

The chief of police shall note on the application the specific reasons for the disapproval of the permit. A copy of the application containing the specific reasons for the disapproval shall be sent by United States mail to the applicant at the applicant’s address shown on the application.

(c) Approval of permit. If the investigation discloses no grounds for the denial of the permit, the chief of police shall issue a permit to the applicant.

(d) Appeal of denial. The refusal of the police chief to issue a permit may be appealed to the city manager. The aggrieved applicant may within ten (10) days following the date the notice of the refusal of the police chief to issue a permit was mailed to the applicant appeal the refusal by giving the city manager written notice of appeal, stating the grounds for the appeal. The city manager shall set a hearing on the appeal for a date falling within ten days following the date of the receipt of the appeal. The decision of the city manager shall be final.

(4) The permit. The permit shall show the name of the permittee and (if the permittee is a firm, corporation or organization) the name of the solicitor, solicitor for charitable purposes, street barker or transient vendor, the kind of goods and/or services authorized to be sold, the amount of the permit fee paid, the date of issuance of the permit, and the period of the permit, and shall have attached a copy of a photograph of the permittee.

(5) Expiration and renewal of permit. The permit of peddlers, solicitors, solicitors for religious and charitable purposes, and transient vendors shall expire sixty (60) days from the date of issue. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city.

9-205. Business license required. Each person, or each firm, corporation or organization issued a permit under this chapter as a peddler, solicitor, street
barker or transient merchant shall be required to obtain a business license before soliciting or making sale.

9-206. **Restrictions on permit holders in general.** No person while conducting the business or activity of peddler, street barker, solicitor, solicitor for charitable or religious purposes, transient vendor, or street barker shall:

1. Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.
2. Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic; or
3. Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.
4. Call attention to his or her business or merchandise or to his or her solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise; except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.
5. Enter or attempt to enter in or upon any residential or business premises wherein the authorized owner, occupant or person legally in charge of the premises has in a conspicuous place posted, at the entry to the premises, or at the entry to the principal building of the premises, a sign or placard in letters at least one inch high bearing the notice "Peddlers Prohibited," "Solicitors Prohibited," "Peddlers and Solicitors Prohibited," or similar language of the same import, is located.
6. Enter in or upon any residential premises without prior invitation of the authorized owner, occupant or person legally in charge of the premises between 9:00 P.M. and 8:00 A.M.

9-207. **Additional restrictions on transient vendors.** A transient vendor shall not:

1. Advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.
2. Locate temporary premises as the term is defined in this chapter on or in any public street, highway or any other public way or place, or on private property without the written permission of the property owner or other person in authorized control of the property.

9-208. **Display of permit, business license, etc.** Each peddler, solicitor, and street barker is required to have in his possession a valid permit and
business license, and each transient vendor is required to have in his possession a valid permit, business license, and the written permission of any private property owner or other person in control of the property owner from which he or she is conducting business, while making sales or solicitations, and all shall be required to display the same to any police officer upon demand. Solicitors for charitable and religious purposes shall be required to have in their possession a valid permit.

9-209. Revocation of permit. (1) Causes. The permit issued to any person or to any firm, corporation or organization under this chapter may be revoked by the city manager for any of the following causes:

(a) Fraud, misrepresentation, or false or misleading statement contained in the application for a permit.
(b) Fraud, misrepresentation, or false or misleading statement made by the permittee in the course of the business or conduct of a peddler, solicitor, solicitor for charitable or religious purposes, transient vendor or street barker.
(b) Any violation of this chapter.
(c) Any other conduct of the permittee that constitutes a threat to the health, safety or general welfare of the citizens of the city.

(2) The notice of revocation. (a) City manager's option. The city manager shall have the option of revoking the permit effective immediately after notice, or effective after notice and hearing. However, the city manager shall revoke the permit effective immediately only after a written finding of the reasons that to delay the revocation of the permit would represent an intolerable threat to the health, safety or general welfare of the citizens of the city.

(b) Notice if the permit holder is a person. If the permit holder is a person, the city shall make a reasonable effort to personally deliver the notice of revocation effective to the permit holder. If the permit holder cannot be found after such reasonable effort, the notice shall be sent by registered or certified United States mail to the local residential or business address of the permit holder. If the permit holder has no local residential or business address the notice shall be sent to the permit holder's permanent address.

(c) Notice if the permit holder is a firm, corporation or organization. The personal notice provided for above may be given to the agent of the firm, corporation or organization, or to any employee or agent of the firm, corporation, or organization; otherwise, the notice procedure prescribed by (b) above shall apply where the permit holder is a firm, corporation or organization.

(d) Contents of notice and hearing. The notice shall set forth the specific grounds for revocation of the permit and shall set a hearing
on the revocation on a date falling not less than five (5) nor more than (10) days from the date of the notice.

(3) **Hearing on the revocation.** At the hearing on the revocation of the permit, the permittee shall be entitled to respond to the charges against him or her and to be represented by counsel at his or her expense. The city manager's decision shall be final.

9-210. **Violation and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars ($100) for each offense. Each day a violation occurs shall constitute a separate offense.
CHAPTER 3

POOL ROOMS

SECTION

9-301. Prohibited in residential areas.
9-302. Hours of operation regulated.
9-303. Minors to be kept out; exception.

9-301. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty per cent (50%) or more of the land is used or zoned for residential purposes. (1977 Code, § 5-501)

9-302. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1977 Code, § 5-502)

9-303. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and, mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and, pool tables in private residences. (1977 Code, § 5-503)

1Municipal code reference
Privilege tax provisions, etc.: title 5.
CHAPTER 4

AMBULANCE SERVICE

SECTION
9-402. Certificates issued upon qualification.
9-403. Revocation of certificates.

9-401. Certificate required for operation. No person, firm, corporation, association, county, municipality, or metropolitan government or agency, either as owner, agent, or otherwise, shall hereafter furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to engage in the business or service of transporting patients or other injured or ill persons upon the streets, highways or airways in the City of Collegedale, Tennessee, until he holds a currently valid municipal certificate issued by the City of Collegedale, Tennessee, certifying that he has complied with all the requirements set forth in title 68, chapter 39, Tennessee Code Annotated (EMERGENCY MEDICAL SERVICES), and that he has currently in effect liability insurance coverage with liability limits of $100,000--$300,000 or more, and uninsured, motorist coverage in the amount of at least $50,000. (1977 Code, § 5-601)

9-402. Certificate issued upon qualification. Application for said certificates shall be made to the city manager. The city manager shall issue certificates valid for the term of one (1) year upon presentation to him by the applicant of satisfactory evidence of compliance with the requirements set forth hereinabove. (1977 Code, § 5-602)

9-403. Revocation of certificates. Certificates issued pursuant to this chapter are subject to revocation upon violation of any of the requirements set forth hereinabove. Violation of the requirements of this chapter shall constitute a punishable offense. (1977 Code, § 5-603)
CHAPTER 5
CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.
9-503. Regulation of rates charged for cable television service and equipment.

9-501. To be furnished under franchise. Cable television shall be furnished to the City of Collegedale and its inhabitants under franchise granted to Telescripps Cable Company by the board of mayor and aldermen of the City of Collegedale, Tennessee. The rights, powers, duties and obligations of the City of Collegedale and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

9-502. Definitions. Whenever the regulations cited in section 9-503 refer to "franchising authority", it shall be deemed to be a reference to the Board of Commissioners of the City of Collegedale, Tennessee. (as added by Ord. #311, § 1, March 1994)

9-503. Regulation of rates charged for cable television service and equipment. Pursuant to authority granted by the Cable Television and Consumer Protection Act of 1992 at 47 U.S.C. 543, and Federal Communications Commission action under the authority and said Act certifying the city to regulate basic cable television service within the boundaries of the city; and for the purposes of regulating the rates charged to customers of any cable television operator franchised by the city, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, sections 76.900 through 76.985, are hereby adopted and incorporated by reference as a part of this code. (as added by Ord. #311, § 1, March 1994)

CHAPTER 6

ADULT-ORIENTED ESTABLISHMENTS

SECTION
9-601. Findings and purpose.
9-602. Definitions.
9-603. Location restrictions.
9-604. License required.
9-605. Application for license.
9-606. Standards for issuance of license.
9-607. Permit required.
9-608. Application for permit.
9-609. Standards for issuance of permit.
9-610. Fees.
9-611. Display of license or permit.
9-612. Renewal of license or permit.
9-613. Revocation of license or permit.
9-614. Hours of operation.
9-615. Physical design of the premises.
9-616. Responsibilities of the operator.
9-617. Prohibitions and unlawful sexual acts.
9-618. Penalties and prosecution.
9-619. Severability clause.

9-601. Findings and purpose. (1) The Board of Mayor and Commissioners of the City of Collegedale, Tennessee, finds:
   (a) That homogeneous and heterogeneous masturbatory acts and other sexual acts, including oral sex acts, could occur within adult-oriented establishments in the City of Collegedale;
   (b) That offering and providing such space, areas, and rooms where such activities may take place creates conditions that generate prostitution and other crimes;
   (c) That the unregulated operation of adult-oriented establishments would be detrimental to the general welfare, health, and safety of the citizens of the City of Collegedale.
(2) It is the purpose of this chapter to promote and secure the general welfare, health, and safety of the citizens of the City of Collegedale. (as added by Ord. #612, April 2005)

9-602. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.
(1) "Adult" means a person who has attained eighteen (18) years of age as defined within Tennessee Code Annotated, § 7-51-1401.

(2) "Adult-bookstore" means a business which offers, as its principal stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(3) "Adult-cabaret" means an establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie, or latex covering. "Adult cabaret" includes a commercial establishment, which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(4) "Adult-entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a principal portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or other personal service offered customers, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(5) "Adult-mini motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons principally used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined within this chapter for observation by patrons therein, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(6) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons principally used for presenting material having as a dominant theme or presenting, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below, for observation by patrons therein as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(7) "Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms,
compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(8) "Beastiality" means sexual activity, actual or simulated, between a human being and an animal, as defined within Tennessee Code Annotated, §§ 7-51-1401.

(9) "Employee" means a person who performs any service on the premises of an adult-oriented establishment on a full-time, part-time, or contract basis, whether or not the person is denominated as employee, independent contractor, agent, or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, as defined within Tennessee Code Annotated, § 7-51-1102.

(10) "Entertainer" means any person who provides entertainment within an "adult-oriented establishment" as defined within this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor, as defined within Tennessee Code Annotated, § 7-51-1102.

(11) "Escort" means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort, as defined within Tennessee Code Annotated, § 7-51-1102.

(12) "Escort service" means a "person" as defined within this chapter, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts, as defined within Tennessee Code Annotated, § 7-51-1102.

(13) "Masochism" means sexual gratification achieved by a person through, or the association of sexual activity with, submission or subjection to physical pain, suffering, humiliation, torture or death, as defined within Tennessee Code Annotated, § 7-51-1401.

(14) "Massage parlor" means an establishment or place principally in the business of providing massage or tanning services where one (1) or more of
the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material, as defined within Tennessee Code Annotated, § 7-51-1102

(15) "Operator" means any person, partnership or corporation operating, conducting or maintaining and adult-oriented establishment, as defined within Tennessee Code Annotated, § 7-51-1102.

(16) "Person" means an individual, partnership, limited partnership, firm, corporation, or association, as defined within Tennessee Code Annotated, §§ 7-51-1102 and 7-51-1401.

(17) "Principal" or "principally" means at least thirty-three and one-thirds percent (33 1/3%) of the goods, services, activities or things so described whenever such term is used in this chapter.

(18) "Rap parlor" means an establishment or place principally in the business of providing nonprofessional conversation or similar service for adults, as defined within Tennessee Code Annotated, § 7-51-1102.

(19) "Sadism" means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture or death upon another person or animal, as defined within Tennessee Code Annotated, § 7-51-1401.

(20) "Sauna" as defined within Tennessee Code Annotated, § 7-51-1102 means an establishment or place primarily in the business of providing;
  (a) A steam bath; or
  (b) Massage services.

(21) "Sexual conduct" means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person, as defined within Tennessee Code Annotated, § 7-51-1102.

(22) "Sexual gratification" means the "sexual conduct" as defined within the chapter, as defined within Tennessee Code Annotated, § 7-51-1102.

(23) "Sexual stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined within this chapter, as defined within Tennessee Code Annotated, § 7-51-1102.

(24) "Sexually-oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered, as defined within Tennessee Code Annotated, § 7-51-1401.
(25) "Specified anatomical areas" as defined within *Tennessee Code Annotated*, § 7-51-1102 means
   (a) Less than completely and opaquely covered:
      (i) Human genitals;
      (ii) Pubic region;
      (iii) Buttocks; and,
      (iv) Female breast below a point immediately above the top of the areola; and,
   (b) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

(26) "Specified criminal acts" means any of the following offenses as defined by *Tennessee Code Annotated*: aggravated rape; rape; rape of a child; aggravated sexual battery; sexual battery by a authority figure; sexual battery; statutory rape; public indecency; prostitution; promoting prostitution; distribution of obscene materials; sale, loan or exhibition to a minor of material harmful to minors; the display for sale or rental of material harmful to minors; sexual exploitation of a minor; and especially aggravated sexual exploitation of a minor, as defined within *Tennessee Code Annotated*, § 7-51-1102.

(27) "Specified sexual activities" as defined within *Tennessee Code Annotated*, §§ 7-51-1102 and 7-51-1401 means:
   (a) Human genitals in a state of sexual stimulation or arousal;
   (b) Acts of human masturbation, sexual intercourse or sodomy;
   or,
   (c) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(28) "Specified services" means massage services, private dances, private modeling, acting as an "escort" as defined within this chapter, and other live "adult entertainment" as defined within this chapter, as defined within *Tennessee Code Annotated*, § 7-51-1102. (as added by Ord. #612, April 2005, and amended by Ord. #718, May 2009)

9-603. Location restrictions. (1) "Adult-oriented establishments," as defined within § 9-602 of this chapter, are prohibited from all parts of the corporate limits of the City of Collegedale except for those areas zoned I-1 Industrial.
   (2) In no case shall an "adult-oriented establishment" be permitted to locate within five hundred feet (500') of any boundary or a residential district (R-1-L, R-1-H, R-2 and R-3), university district (U-1), the mixed-use town center district (MU-TC), or any residential use located within any zoning district boundary. No proposed "adult-oriented establishment" shall be permitted to locate within five hundred feet (500') from the nearest property line of a public recreational park; place of worship; public or private K-12 school; child day care facility; hospital; mortuary; or any other "adult-oriented establishment."
(3) The distance shall be measured in a straight line from the nearest point on the building or structure used as part of the premises where an "adult-oriented establishment" is proposed to be conducted, to the nearest recorded property line of the premises listed in subsection (2) above. (as added by Ord. #612, April 2005)

9-604. License required. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1104 except as provided for in subsection (5), no adult-oriented establishment shall be operated or maintained in the City of Collegedale without first obtaining a license to operate issued by the City of Collegedale.

(2) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It is unlawful for any entertainer, employee, escort or operator to knowingly work in or about or to knowingly perform any service directly related to or at the request of the operation of any unlicensed adult-oriented establishment or escort service.

(5) All existing adult-oriented establishments at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the final passage of the ordinance comprising this chapter. If a license is not issued within said one-hundred twenty (120) day period, then such existing adult-oriented establishment shall cease to operate. (as added by Ord. #612, April 2005)

9-605. Application for license. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1105 any person, partnership or corporation desiring to secure a license shall make application to the city recorder. A copy of the application shall be distributed promptly to the Collegedale Municipal Police Department.

(2) The application for a license shall be upon a form provided by the City of Collegedale. An application for a license shall furnish the following information under oath:

(a) Name and address, including all aliases;

(b) Written proof that the individual is at least eighteen (18) years of age;

(c) The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately proceeding the date of the application.
(d) The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.

(e) All criminal convictions, forfeiture of bond and pleadings of nolo contendre on charges, except minor traffic violations.

(f) Fingerprint records and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.

(g) The address of the adult-oriented establishment to be operated by the applicant.

(h) The names and addresses of all persons, partnerships or corporations holding any beneficial interest in the real estate upon which such adult-oriented establishment is to operated, including but not limited to contact purchasers or sellers, beneficiaries of land trust or lessees subletting to applicant.

(i) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(j) If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the name and address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership.

(k) A statement by the applicant that the applicant is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Collegedale Municipal Police Department, the city manager shall notify the applicant that the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed by the applicant. Upon the conclusion of such additional investigation, the city manager shall advise the applicant in writing whether the application is granted or denied.

(4) Whenever an application is denied or held for further investigation, the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of the receipt of notification of denial, a public hearing shall be held thereafter before the board of mayor and commissioners at which time the applicant may present evidence as to why the license should not be denied. The board of mayor and
commissioners shall hear evidence as to the basis of the denial and shall affirm or reject the denial of an application at the hearing.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, to appear at any reasonable time and place for examination under oath regarding the application or to submit to or cooperate with any investigation required by this chapter constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the city manager. (as added by Ord. #612, April 2005)

9-606. Standards for issuance of license. Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1106 to receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

(a) The applicant shall be at least eighteen (18) years of age;

and

(b) The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application; and

(c) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this chapter within five (5) years immediately preceding the date of the application; and

(d) The applicant shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated, § 7-51-102, or § 9-602 of this chapter for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;

(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;

(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(2) If the applicant is a corporation:

(a) All officers, directors and stockholders required to be named under Tennessee Code Annotated, § 7-51-1105(b) or § 9-604 of this chapter shall be at least eighteen (18) years of age; and,

(b) No officer, director and stockholder required to be named under Tennessee Code Annotated, § 7-51-1105(b) or § 9-604 of this chapter shall have had an adult-oriented establishment license revoked within five (5) years immediately preceding the date of the application; and,

(c) No officer, director or stockholder required to be named under Tennessee Code Annotated, § 7-51-105(b) or § 9-604 of this chapter shall have been convicted of or pleaded nolo contendere to any
violation of this part within five (5) years immediately preceding the date of the application; and,

(d) The applicant or officer, director or stockholder required to be named under Tennessee Code Annotated § 7-51-1105(b) or § 9-604 of this chapter shall not have been convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102, or § 9-602 of this chapter for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;
(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

(3) If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:

(a) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
(b) All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;
(c) No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this chapter within five (5) years immediately preceding the date of the application; and

(d) The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102 or § 9-602 of this chapter, for which:

(i) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
(ii) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
(iii) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;
(iv) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
No license shall be issued unless the Collegedale Municipal Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city manager no later than twenty (20) days after the date of the application.

An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this chapter has elapsed. (as added by Ord. #612, April 2005)

9-607. Permit required. Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1115, in addition to the license requirement previously set forth for owners and operators of "adult-oriented establishments," no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the city manager. (as added by Ord. #612, April 2005)

9-608. Application for permit. (1) Pursuant to the requirements of Tennessee Code Annotated, § 7-51-1116 any person desiring to secure a permit shall make application to the city manager. The application shall be filed in triplicate with and dated by the city recorder. A copy of the application shall be distributed promptly by the city recorder to the Collegedale Municipal Police Department.

(2) The application for a permit shall be upon a form provided by the city recorder. An application for a permit shall furnish the following information under oath:

BUSINESS, TRADES, AND OCCUPATIONS

(a) Name and address, including all aliases.
(b) Written proof that the individual is at least eighteen (18) years of age.
(c) The applicant's height, weight, color of eyes and hair.
(d) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any or city or state under permit, has had such permit revoked of suspended, the reason therefor, and the business activity or occupation subject to such suspension or revocation.
(e) All criminal convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
(f) Two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
(g) A statement by the applicant that the applicant is familiar with the provisions of this chapter and is in compliance with them.

(3) Within ten (10) days of receiving the results of the investigation conducted by the Collegedale Municipal Police Department, the city manager shall notify the applicant that the applicant's application is granted, denied or held for further investigation. Such additional investigation shall not exceed an
additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, the city manager shall advise the applicant in writing whether the application is granted or denied.

(4) Wherever an application is denied or held for additional investigation the city manager shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held thereafter by the board of mayor and commissioners at which time the board of mayor and commissioners shall hear evidence as to the basis of the denial and shall affirm or reject the denial of an application at the hearing.

(5) Failure or refusal of the applicant to give information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the city recorder. (as added by Ord. #612, April 2005)

9-609. Standards for issuances of permit. Pursuant to the Tennessee Code Annotated, § 7-51-1117 to receive a permit as an entertainer or escort, an applicant must meet the following standards:

(1) The applicant shall be at least eighteen (18) years of age;
(2) The applicant shall not have had a permit revoked within two (2) years immediately preceding the date of the application;
(3) The applicant shall not have been convicted of a "specified criminal act," as defined within this chapter and Tennessee Code Annotated, § 7-51-1102 for which:
   
   (a) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;
   (b) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense;
   (c) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve (12) month period;
   (d) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.
(4) An applicant who has been convicted of any specified criminal activities may not be denied a permit based upon those convictions once the time period required in subsection (3) has elapsed.
(5) No permit shall be issued until the Collegedale Municipal Police Department has investigated the applicant's qualifications to receive a permit. The results of that investigation shall be filed in writing with the city recorder no later than thirty (30) days after the date of the application. (as added by Ord. #612, April 2005)
9-610. Fees. (1) Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1118 and the provisions of this chapter a license fee of five hundred dollars ($500.00) shall be submitted with the application for a license. If the application is denied one-half (1/2) of the fee shall be returned to the applicant.

(2) A permit fee of one hundred dollars ($100.00) shall be submitted with the application for a permit. If the application is denied, one-half (1/2) of the fee shall be returned to the applicant. (as added by Ord. #612, April 2005)

9-611. Display of license or permit. (1) The license shall be displayed in a conspicuous public place in the adult-oriented establishment.

(2) The permit shall be carried by an employee upon his or her person and shall be displayed upon request of a customer, any member of the Collegedale Municipal Police Department, or any person designated by the board of mayor and commissioners. (as added by Ord. #612, April 2005)

9-612. Renewal of license or permit. (1) Every license issued pursuant to this chapter and Tennessee Code Annotated, § 7-51-1111 shall terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the city recorder. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city recorder. A copy of the application for renewal shall be distributed promptly by the city recorder to Collegedale Municipal Police Department. The application for renewal shall contain such information and data, given under oath or affirmation, as may be required by the Collegedale Mayor and Board of Commissioners.

(2) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars ($100.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half (1/2) the fee shall be returned.

(3) If the Collegedale Municipal Police Department is aware of any information bearing on the operator's qualifications, the information shall be filed in writing with the city recorder no later than ten (10) days after the date of the application for renewal.

(4) Every permit issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the city recorder. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be filed in triplicate with and
dated by the city recorder. A copy of the application for renewal shall be
distributed promptly by the city recorder to the Collegedale Municipal Police
Department. The application for renewal shall be upon a form provided by the
city recorder and shall contain such information and data, given under oath or
affirmation, as may be required by the board of mayor and commissioners.

(5) A permit renewal fee of one hundred dollars ($100.00) shall be
submitted with the application for renewal. In addition to the renewal fee, a late
penalty fee of fifty dollars ($50.00) shall be assessed against the applicant who
files for renewal less than thirty (30) days before the license expires. If the
application is denied, one half (1/2) of the fee shall be returned.

(6) If the Collegedale Municipal Police Department is aware of any
information bearing on the entertainer's qualifications, the information shall be
filed in writing with the city recorder no later than ten (10) days after the date
of the application for renewal.

(7) Notwithstanding anything herein to the contrary, any application
for renewal of a license or for renewal for a permit shall be handled,
investigated, and approved or denied within the same time periods as those
established in this chapter for the original license applications and permit
applications. In the event a license renewal application or permit application is
denied, the applicant shall have all rights of appeal to the board of mayor and
commissioners as set forth within this chapter. (as added by Ord. #612, April
2005)

9-613. Revocation of license or permit. (1) Pursuant to the provisions of
Tennessee Code Annotated, § 7-51-1109 the city recorder shall revoke, suspend
or annul a license for any of the following reasons:

(a) Discovery that false or misleading information or data were
given on any application or material facts were omitted from any
application;

(b) The operator or entertainer, or any employee of the operator
violates any provision of this chapter or any rule or regulation adopted by
the board of mayor and commissioners pursuant to this chapter; provided
that in the case of a first offense by an operator where the conduct was
solely that of an employee, the penalty shall not exceed a license
suspension of thirty (30) days if the board of mayor and commissioners
shall find that the operator had no actual or constructive knowledge of
such violation and could not, by the exercise of due diligence, have had
such actual or constructive knowledge;

(c) The operator becomes ineligible to obtain a license;

(d) Any cost or fee required to be paid by this chapter is not
paid;

(e) Any intoxicating liquor, malt beverage, narcotic or controlled
substance is served or consumed on the premises of the adult-oriented
establishment;
(f) An operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit;

(g) Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material;

(h) Any operator, employee or entertainer denies access of law enforcement personnel to any portion of the licensed premises wherein adult-oriented entertainment is permitted or to any portion of the licensed premises wherein adult-oriented material is displayed or sold;

(i) Any operator who fails to maintain the licensed premises in a clean, sanitary and safe condition;

(j) Any operator, employee or entertainer is convicted of a "specified criminal act," as defined within Tennessee Code Annotated, § 7-51-1102 or § 9-602 of this chapter, provided that such violation occurred on the licensed premises.

(2) The city recorder, before revoking or suspending any license or permit, shall give the license holder or permit holder not less than ten (10) nor more than twenty (20) days' written notice of the charges against such license holder or permit holder and of the revocation of such license or permit, or of the period of time such license or permit is to be suspended; such notice shall also advise the license holder or permit holder of the license holder's or permit holder's right to request a hearing before the board of mayor and commissioners. In the event the license holder or permit holder does not request in writing a hearing before the board of mayor and commissioners within the time set forth in such notice, the suspension or revocation shall be effective beginning the date set forth in such notice.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license. The transfer of any interest in a non-individual operator's license shall automatically and immediately revoke the license held by the operator.

(4) Any operator whose license is revoked shall not be eligible to receive a license for five (5) years from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for two (2) years from the date of revocation. (as added by Ord. #612, April 2005)

9-614. Hours of operation. (1) Pursuant to the provisions of Tennessee Code Annotated, §§ 7-51-1112 and 7-51-1402 no adult-oriented establishment shall open to do business before eight o'clock A.M. (8:00 A.M), Monday through Saturday; and no such establishment shall remain open after twelve o'clock (12:00) midnight, Monday through Saturday. No adult-oriented establishment
shall be open for business on any Sunday or legal holiday as designated in Tennessee Code Annotated, § 15-1-101.

(2) All adult-oriented establishments shall be open to inspection at all reasonable times by the Collegedale Municipal Police Department or such other persons as the board of mayor and commissioner may designate. (as added by Ord. #612, April 2005)

9-615. Physical design of the premises. Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1403 and the provisions of this chapter no person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:

(1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or,

(2) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered entertainment. (as added by Ord. #612, April 2005)

9-616. Responsibilities of the operator. (1) Pursuant to Tennessee Code Annotated, § 7-51-1113 and the provisions of this chapter the operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone numbers, social security number, date of employment and termination, and duties of each employee and such other information as may be required by the board of mayor and commissioners. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

(2) The operator shall make the register of employees available immediately for inspection by the Collegedale Municipal Police Department upon demand of a member of the Collegedale Municipal Police Department at all reasonable times.

(3) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to
supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(4) An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(5) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined within § 9-602 of this chapter.

(6) Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.

(7) The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.

(8) The license shall be conspicuously displayed in the common area of the premises at all times.

(9) The permit shall be kept by an employee, entertainer, or escort so that it is readily available for display immediately upon request of a customer, any member of the Collegedale Municipal Police Department, or any person designated by the board of mayor and commissioners.

(10) A sign shall be conspicuously displayed in the common area of the premises, and shall state as follows:

"This Adult-Oriented Establishment is regulated by Tennessee Code Annotated, Title 7, Chapter 51, Sections 1101 through 1120. Entertainers are:

(a) Not permitted to engage in any type of sexual conduct;
(b) Not permitted to expose their sex organs;
(c) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion;
(d) Not permitted to appear in a state of full nudity." (as added by Ord. #612, April 2005)

9-617. Prohibitions and unlawful sex acts. (1) Pursuant to the provisions of Tennessee Code Annotated, § 7-51-1114 no operator, entertainer or employee of an adult-oriented establishment shall permit to be performed, offer to perform, perform or allow, patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.

(2) No operator, entertainer or employee of an adult-oriented establishment shall encourage or permit any person upon the premises to touch,
caress or fondle the breasts, buttocks, anus or genitals of any operator, entertainer or employee.

(3) No entertainer, employee, or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee, and/or customer.

(4) No employee or entertainer, while on the premises of an adult-oriented establishment, may:
   (a) Engage in sexual intercourse;
   (b) Engage in deviant sexual conduct;
   (c) Appear in a state of nudity;
   (d) Fondle such person's own genitals or those of another.

(5) For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. (as added by Ord. #612, April 2005)

9-618. Penalties and prosecution. (1) Pursuant to Tennessee Code Annotated, § 7-51-1119 any person, partnership, or corporation who is found to have violated this chapter shall be fined a definite sum not exceeding five hundred dollars ($500.00) and shall result in the suspension or revocation of any permit or license.

(2) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #612, April 2005)

9-619. Severability clause. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason such decision shall not affect the validity of the remaining portions of this chapter. (as added by Ord. #612, April 2005)
TITLE 10

ANIMAL CONTROL

CHAPTER
1. DEFINITIONS.
2. IN GENERAL.
3. DOGS AND CATS.
4. MUNICIPAL DOG PARK.
5. LARGE AND SMALL ANIMALS.

CHAPTER 1

DEFINITIONS

SECTION
10-102. [Deleted.]
10-103. [Deleted.]
10-104. [Deleted.]
10-105. [Deleted.]
10-106. [Deleted.]
10-107. [Deleted.]

10-101. Definitions. Whenever used in this title, the following definitions shall apply:

(1) "Animal." Any live, vertebrate or invertebrate creature, domestic or wild, warm or cold blooded, other than a human being.

(2) "Animal control officer." A person or persons designated by the city manager to carry out the provisions of this chapter including the impoundment of animals.

(3) "Animal shelter." An agency, organization, or premises designated by the city for the purpose of impounding and caring for any animal impounded pursuant to the provisions of this chapter.

(4) "At large." Any animal shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.

(5) "Direct control." Means immediate and continuous physical control of an animal (excluding herding dogs, dogs in the process of hunting, police dogs and dogs participating in organized field competition) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal.

(6) "Director of health." The person in charge of the animal shelter in which the impounded animal is kept.
"Domestic animal." Any tame animal customarily kept by humans for companionship, including but not limited to dogs, cats, certain birds, rabbits, hamsters, gerbils, turtles and the like. A tame animal is subject to the dominion and control of an owner and accustomed to living in or near human habitation.

"Enforcement officer." Police officer, codes enforcement officer, animal control officer, or any other person or persons designated by the city manager.

"Exposed to rabies." An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

"Fowl." Domestic breeds of chickens, ducks, geese, turkeys, and guinea fowl.

"Front yard." The area across a lot bounded by the front lot line and each side lot line. The depth of such yard is the shortest horizontal distance between the front lot line and the nearest portion of the residential structure thereon. It is the required open space, unoccupied by buildings between the road or street right-of-way line and the principal building. If the lot or parcel does not contain a dwelling, a fifty foot (50') minimum setback shall be required from the front lot line.

"Kennel." An establishment for the breeding, buying, selling, or boarding of dogs or cats.

"Large animal." Any animal, excluding domestic dogs, weighing over one hundred (100) pounds. Examples include equine species such as horses, mules, or donkeys, wolves, or domestic dog-wolf breeds, bovine species such as cows, oxen, or bison, in addition to llamas, sheep, rams, ewes, goats, deer, and large birds such as emu, ostrich, rhea or similar animals.

"Owner." Any person, group of persons, or corporation owning, keeping, or harboring animals.

"Rear yard." The area across a lot bounded by the rear lot line and each side lot line. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest portion of the principal residential structure thereon. It is the required open space, except for accessory buildings as permitted, between the rear property line and the principal building. If the lot or parcel does not contain a dwelling, a fifty foot (50') minimum setback shall be required from the rear lot line.

"Small animal." Any animal weighing less than one hundred (100) pounds, not including domestic cats and dogs.

"Spayed female." Any female dog or cat which has been operated upon to prevent conception.

"Vicious." Any animal that attacks a person by biting or in any manner causing injury or the reasonable likelihood of injury; or, one who repeatedly attacks livestock or other domestic animals. However, this definition shall not apply to any animal that bites, attacks, or attempts to attack any person or animal unlawfully upon the animal owner's premises. (1977 Code,
§ 3-101, as replaced by Ord. #706, Jan. 2009, and amended by #1099, July 2021  
*Ch8-07-19-21*)

10-102. [Deleted.] (1977 Code, § 3-103, as deleted by Ord. #706, Jan. 2009)

10-103. [Deleted.] (1977 Code, § 3-104, as deleted by Ord. #706, Jan. 2009)

10-104. [Deleted.] (1977 Code, § 3-105, as deleted by Ord. #706, Jan. 2009)

10-105. [Deleted.] (1977 Code, § 3-106, as deleted by Ord. #706, Jan. 2009)

10-106. [Deleted.] (1977 Code, § 3-107, as deleted by Ord. #706, Jan. 2009)

CHAPTER 2

IN GENERAL

SECTION
10-201. Complaints of violation.
10-203. Violations, civil infractions; civil penalties.
10-204. Restraint of animals.
10-205. Confinement of animals.
10-206. Disposing of dead animals.
10-207. [Deleted.]
10-208. [Deleted.]
10-209. [Deleted.]
10-210. [Deleted.]
10-211. [Deleted.]
10-212. [Deleted.]
10-213. [Deleted.]
10-214. [Deleted.]

10-201. Complaints of violations. Any violations of the provisions of this chapter may be reported to the City of Colledgeale by any person or persons observing the violation. For alleged violations under § 10-301 the person or persons making the complaint shall identify themselves to the enforcement officer prior to any action being taken by the city manager or his designee. A record of complaints shall be maintained on file in the Colledgeale City Hall by the code enforcement officer. (1977 Code, § 3-101, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-202. Interference. No person shall interfere with, hinder, or molest the enforcement officer in the performance of any duty imposed by this chapter or seek to release any animal in the custody of the animal control officer except as herein provided. (1977 Code, § 3-103, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-203. Violations, civil infractions; civil penalties. (1) Any violation of this chapter is a civil infraction.
(2) Any person who has committed an act in violation of this chapter may receive a citation from the City of Colledgeale:
(a) From an enforcement officer who based on personal observation has probable cause to believe that the person has committed a civil infraction; or
(b) By enforcement officer or by direct complaint by a citizen who has personally observed the civil infraction in violation of this chapter.

(3) The Collegedale Municipal Court shall have jurisdiction over all violations of this chapter occurring within the City of Collegedale.

(4) Any violation of this chapter may be punishable by a civil penalty of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00). Each day that any section of this chapter is violated shall constitute a separate punishable offense.

(5) Any person issued an animal control ordinance citation may be deemed to be charged with a civil violation and shall comply with the directives on the citation.

(6) If a person fails to appear in court to defend or prosecute the citation, such person shall be deemed to have waived their right to contest or prosecute the citation and in such a case a default judgment may be entered and the judge shall dismiss the citation or impose a civil penalty at that time, as the case may be. An order to show cause may be issued. If the civil penalty is paid, the case shall be dismissed. If the civil penalty is not paid, judgment may be entered upon to the maximum civil penalty. (1977 Code, § 3-104, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-204. Restraint of animals. It shall be the duty of the owner of any animal or anyone having an animal in his care, custody or possession to keep said animal under control at all times while the animal is off of the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed "under control" when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, or is properly confined within an enclosure with permission of the owner of the property where the enclosure is located. (1977 Code, § 3-105, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-205. Confinement of animals. (1) Pen or enclosure to be kept clean. When animals 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. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any animal.

(2) Adequate food, water, and shelter, etc., to be provided. No animal shall be kept or confined in any place where the food, water, shelter and ventilation are not adequate and sufficient for the preservation of its health and safety. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

(3) Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the enforcement officer, or his
authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal is being kept in violation of this chapter. (1977 Code, § 3-106, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-206. Disposal of dead animals. It shall be unlawful for any person to leave or place the carcass of any animal which he owns upon any street, alley or lot or to allow the animal to remain on his property. Within twenty-four (24) hours after he has learned of its death, the owner shall have it buried in a pet cemetery, bury it at least three feet (3') beneath the surface of the ground and not closer than three hundred feet (300') to any flowing stream or public body of water, or otherwise have it removed from his property and legally disposed of. (1977 Code, § 3-107, as repealed and replaced by Ord. #310, § 1, March 1994, and Ord. #706, Jan. 2009)

10-207. [Deleted.] (1977 Code, § 3-108, as repealed and replaced by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-208. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-209. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-210. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-211. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-212. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-213. [Deleted.] (as added by Ord. #310, § 1, March 1994, and deleted by Ord. #706, Jan. 2009)

10-214. [Deleted.] (as added by Ord. #685, Jan. 2008, and deleted by Ord. #706, Jan. 2009)
CHAPTER 3

DOGS AND CATS

SECTION
10-301. Dogs becoming a nuisance.
10-302. Confinement of certain dogs.
10-303. Vaccination, rabies tags.
10-304. Impounding, destruction of violating dogs or cats authorized.
10-305. Detention where rabies suspected.
10-306. Owner of inoculated dog or cat to be notified of impounding.
10-307. Care while in custody.
10-308. Redemption of impounded dogs or cats by owner; fees.
10-309. Disposition of unclaimed dogs or cats.

10-301. Dogs becoming a nuisance. It shall be unlawful for any person to own, keep, possess or maintain any dog in such a manner so as to constitute a public nuisance as provided in this chapter. The following acts or actions by an owner or possessor of any dog are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control any dog as required by § 10-302.

(2) Maintaining a vicious dog other than in a manner as described in § 10-303.

(3) Maintaining any dog that is diseased and/or dangerous to the public health.

(4) Failure to confine a female dog while in heat in such a manner as described in § 10-303.

(5) Allowing or permitting any dog to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

(6) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, location, or condition of the dogs on the property.

(7) Allowing any dog to habitually bark, whine, or howl in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. For the purposes of this section "habitually" shall mean continuously for a period of ten (10) minutes, or intermittently for one-half (1 1/2) hour or more. (as added by Ord. #706, Jan. 2009)

10-302. Confinement of certain dogs. (1) The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog, and shall
(2) Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another dog except for intentional breeding purposes. (as added by Ord. #706, Jan. 2009)

10-303. Vaccination, rabies tags. It shall be unlawful for any person to own, keep or harbor any dog or cat which has not been vaccinated against rabies in accordance with Tennessee Code Annotated, §§ 68-8-104, 68-8-107, and 68-8-108. Every dog or cat owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the animal vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing in this section shall be construed as permitting the use of an unvaccinated dog in either the hunt or chase. (as added by Ord. #706, Jan. 2009)

10-304. Impounding, destruction of violating dogs or cats authorized. The animal control officer shall take up and impound any dog or cat found running at large in violation of this chapter; provided that, if any dog or cat so found is sick, injured or of a vicious nature, the animal control officer may humanely destroy such dog or cat immediately. (as added by Ord. #706, Jan. 2009)

10-305. Detention where rabies suspected. Every dog or cat which has bitten humans or has been exposed to rabies or which is suspected of having rabies shall be impounded for a period of ten (10) days or more by the animal control officer, or at the option of the owner of such dog or cat, shall be detained in a reputable veterinary hospital on condition that such owner shall make arrangements with such veterinary hospital and shall be liable for the payment of the charges while such dog or cats confined therein. During such confinement the dog or cat shall be under the observation and supervision of the animal control officer, and it shall be released or humanely destroyed by the animal control officer after the termination of the observation period according to instructions from the director of health. The director may order the animal control officer to destroy such dog or cat at any time during the period of observation if evidence is such as to convince the director that the dog or cat has rabies. During the period of observation, the owner of such dog or cat shall be liable for board fees, if such dog or cat is confined at the pound. (as added by Ord. #706, Jan. 2009)

10-306. Owner of inoculated dog or cat to be notified of impounding. If any dog or cat seized as provided in this chapter is inoculated, the animal control officer shall give notice by postcard sent by United States mail to the
address of the owner given on the inoculation record, within twenty-four (24) hours after the seizure of such dog or cat. (as added by Ord. #706, Jan. 2009)

10-307. Care while in custody. The animal control officer shall provide clean, comfortable and sanitary quarters for all dogs and cats, keeping males and females and vicious dogs in separate stalls, and shall provide a liberal allowance of wholesome food and fresh, clean water and clean bedding. (as added by Ord. #706, Jan. 2009)

10-308. Redemption of impounded dogs or cats by owner; fees. The owner of a inoculated dog or cat may claim and redeem it by paying the animal control officer an impoundment fee of ten dollars ($10.00) and board for each day after the first forty-eight (48) hours of detention at the rate of five dollars ($5.00) per day. The owner of an un-inoculated dog or cat may claim and redeem it upon payment of the inoculation fee required and impoundment fee of ten dollars ($10.00) and board for each day such dog or cat is detained at the rate of five dollars ($5.00) per day; provided, however, that, upon a second offense the above impoundment fee shall be twenty-five dollars ($25.00) and upon third and subsequent offenses shall be fifty dollars ($50.00) in addition to the board of five dollars ($5.00) per day as set out above. (as added by Ord. #706, Jan. 2009)

10-309. Disposition of unclaimed dogs or cats. Any registered dog or cat impounded shall be kept for a period of three (3) days after notice to the owner, and if not redeemed within such period may be humanely destroyed or otherwise disposed of. Any unregistered dog or cat impounded shall be kept for three (3) days and if not claimed or redeemed shall be humanely destroyed or otherwise disposed of. (as added by Ord. #706, Jan. 2009)
CHAPTER 4

MUNICIPAL DOG PARK

SECTION
10-401. Dog parks.
10-402. Definitions.
10-403. Park operations.
10-404. Responsibilities of dog park users.
10-405. Children regulations.
10-406. Prohibited actions.
10-407. Liability.
10-408. Enforcement.

10-301. Dog parks. There is hereby established within the City of Colledale a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of its owner or an attendant who is competent and knowledgeable relative to the behavior of said dog(s). (as added by Ord. #752, Sept. 2010)

10-302. Definitions. (1) "Attendant." A person eighteen (18) years or older who brings a dog to the dog park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the facility.

(2) "Dog park." An enclosed fence facility designated by the City of Colledale for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

(3) "Owner." Any person, partnership, or corporation owning, keeping or harboring one (1) or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for seven (7) consecutive days or more. An owner is deemed an attendant for the purposes of this chapter.

(4) "Vicious dog." The definition of a "vicious dog" as used in this chapter, shall be:

(a) Any dog with a known history of attacks to people or other domestic animals which, when unleashed in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack, or which behaves in a manner that (in the opinion and investigation of the animal control officer and/or any police officer) a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or companion animal.

(b) Any dog owned or harbored primarily or in the past for the purpose of dog fighting or any dog trained for dog fighting.

(c) Exceptions. Not withstanding anything herein to the contrary, no dog shall be considered a vicious dog:
(i) If a dog has bitten or attacked a person who was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

(ii) If another animal or if a child was teasing, tormenting, abusing or assaulting the dog.

(iii) If a domestic animal was injured while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog.

(iv) If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or an assault.

(v) If, in performing its duties as a military, correctional or police-owned dog, a dog shall not be considered vicious if the dog attacks or injures a person or domestic animal.

(vi) If the dog was reacting to pain or injury, or was protecting itself, its kennel or its offspring.

(5) **Visual control.** The attendant can see the dog(s) and is within seventy-five feet (75') of the dog(s) at all times.

(6) **Voice control.** The attendant is within seventy-five feet (75') of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant when so commanded. (as added by Ord. #752, Sept. 2010)

10-303. **Park operations.** The city manager shall have authority to control the dog park and to make reasonable rules for its operation that are consistent with this chapter. The dog park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather. (as added by Ord. #752, Sept. 2010)

10-304. **Responsibilities of dog park users.** (1) The attendant must ensure that their dog(s) are legally licensed and have documentation that their dog’s vaccinations are up to date.

(2) Current license and vaccination tags must be displayed on the dog’s collar.

(3) All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries.

(4) No more than two (2) dogs per attendant are allowed in the dog park.

(5) The attendant of the dog(s) must be inside the enclosed dog park and have visual and voice control of their dog(s) at all times.
Dogs shall not be left unattended at or inside the facility. All dogs must be wearing a collar, however spiked, choke, and gentle-leader style electronic collars are not permitted. The attendant of any dog(s) using the facility must have in his possession a leash that must be attached to said dog(s) when outside the facility area. The attendant must fill in any holes dug at the facility by their dog(s). The attendant must remove their dog(s) when they become engaged in excessive barking or are fighting with other dogs. The attendant of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated receptacles. (as added by Ord. #752, Sept. 2010)

10-305. **Children regulations.** While inside the facility, children six (6) to eighteen (18) years of age shall be accompanied by an adult who is solely responsible for the child’s proper behavior and safety. Such children are not permitted to excite or antagonize any dogs using the facility by any means including, but not limited to, shouting, screaming, waving their arms, throwing objects, running at or chasing dogs. Children under six (6) years of age are prohibited from entering the dog park. (as added by Ord. #752, Sept. 2010)

10-306. **Prohibited actions.** To ensure the safety of the dogs and attendants the following are not permitted at the dog park:

1. Animals that are not dogs.
2. Dogs under the age of four (4) months.
3. Female dogs when in heat.
4. Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans.
5. The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment.
7. Glass bottles and similar breakable containers.
8. Alcoholic beverages.
9. Smoking
10. Food of any type, including dog biscuits/treats.
11. Professional dog trainers may not use the facility in conjunction with the operation of their business. (as added by Ord. #752, Sept. 2010)

10-307. **Liability.** Users of the dog park shall comply with all rules and regulations governing the use of the facility. The owner and/or attendant is responsible for and liable for all injuries and damages caused by their dog(s).
Use of the dog park shall constitute the implied consent of the dog owner and/or attendant to all conditions of this chapter and shall constitute a waiver of liability to the City of Collegedale to the extent allowed by applicable law. As such, users of the dog park agree and undertake to protect, indemnify, defend, and hold the City of Collegedale harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is unleashed at the facility. (as added by Ord. #752, Sept. 2010)

10-308. Enforcement. A person found to be in violation of this chapter and/or the dog park rules established by the city manager is subject to removal from the facility and may be prohibited from future use of the dog park. A violation of the provisions of this chapter is unlawful and will be punished in accordance with the general penalty provisions of the municipal code. (as added by Ord. #752, Sept. 2010)
CHAPTER 5
LARGE AND SMALL ANIMALS

SECTION
10-501. Swine. Swine shall not be kept on any lot or within any structure inside the city limits. (as added by Ord. #1099, July 2021 Ch8_07-19-21)

10-502. Large animals. (1) Keeping of large animals is limited to the Agricultural District (AG) on lots of two (2) acres or more.
   (2) Each large animal shall have a minimum of ten thousand (10,000) square feet of pasture or exercise area. (as added by Ord. #1099, July 2021 Ch8_07-19-21)

10-503. Small animals. (1) Keeping of small animals is limited to the Agricultural District (AG) on lots of one (1) acre or more.
   (2) Each small animal shall have a minimum of five thousand (5,000) square feet of pasture or exercise area. (as added by Ord. #1099, July 2021 Ch8_07-19-21)

10-504. Fowl. (1) Keeping of fowl is limited to the Agricultural District (AG) on lots of one (1) acre or more.
   (2) On parcels, lots, or tracts between one and two (1 and 2) acres, five (5) individual fowl may be kept.
   (3) On parcels, lots, or tracts exceeding two (2) acres, two (2) individual fowl per half (1/2) acre of land may be kept up to a maximum of forty (40) fowl.
   (4) Fowl must be contained to a property's rear yard. During non-daylight hours, fowl shall be confined within a henhouse or other enclosure located at least two hundred feet (200') from any adjacent property boundary, dwelling, or other structure. The henhouse must be enclosed on all sides, have a roof and door, and the access doors must be able to be shut and locked. The henhouse must be constructed from substantial materials and be visually compatible with the property.
   (5) The henhouse and enclosure must be maintained so that it is clean, dry, and odor free. All manure or other wastes must be stored in a fully enclosed structure or in airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material on the property.
(6) Roosters or other fowl capable of crowing or making similar noises shall not be allowed within one thousand five hundred feet (1,500') of any adjacent property boundary, dwelling, or other structure under separate ownership. (as added by Ord. #1099, July 2021 Ch8_07-19-21)

10-505. General. (1) Animals shall be located behind house and within a fenced area or structure suitable to contain the animal and prevent it from leaving its designated area. Housing animals in the front yard of residences is prohibited, including animal cages with or without the animals in them. It shall be unlawful for any person owning any livestock to permit or suffer the livestock to run at large in the city. Any livestock running at large in the city shall be subject to impoundment by a person duly qualified and appointed by the commission for that purpose and may be recovered by the owner on payment of expenses incurred by the city for impounding.

(2) Animals temporarily brought into the city and kept at an exhibition or holding area or petting zoo or similar event of which the animal is an integral part shall not exceed seventy-two (72) hours.

(3) Structures where animals are housed, fed, confined or where food is stored, must conform to city code requirements and may not be located nearer than two hundred feet (200') from any adjacent property boundary, or residential dwelling or other structure under separate ownership except as allowed in § 10-505(2).

(4) No large or small animals shall be allowed on any school ground, pubic park ground, public sidewalk, public right-of-way or other public property unless the area is specifically designed by the city for such animal except as allowed in § 10-505(2). (as added by Ord. #1099, July 2021 Ch8_07-19-21)
TITLE 11

MUNICIPAL OFFENSES

CHAPTER
1. MISDEMEANORS OF THE STATE ADOPTED.
2. ALCOHOL.
3. GAMBLING, FORTUNE TELLING, ETC.
4. OFFENSES AGAINST THE PERSON.
5. OFFENSES AGAINST THE PEACE AND QUIET.
6. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
7. FIREARMS, WEAPONS AND MISSILES.
8. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
9. OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE.

CHAPTER 1

MISDEMEANORS OF THE STATE ADOPTED

SECTION

11-101. Misdemeanors of the state adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the Common Law to be misdemeanors are hereby designated and declared to be offenses against this city also. Any violation of any such law within the corporate limits is also a violation of this section. (1977 Code, § 10-101)

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1Municipal code references
- Animals and fowls: title 10.
- Housing and utilities: title 12.
- Fireworks and explosives: title 7.
- Traffic offenses: title 15.
- Streets and sidewalks (non-traffic): title 16.

2State law reference
For the definition of "misdemeanor," see Tennessee Code Annotated, sections 39-11-110 and 39-11-111.
CHAPTER 2

ALCOHOL

SECTION

11-201. Public drunkenness.
11-202. Drinking alcoholic beverages in public, etc.

11-201. Public drunkenness. See Tennessee Code Annotated, section 39-17-310; see also title 33, chapter 8. (1977 Code, § 10-228)

11-202. Drinking alcoholic beverages in public, etc. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premise consumption. (1977 Code, § 10-229)

1Municipal code reference
Sale of alcoholic beverages, including beer: title 8.
State law reference
See Tennessee Code Annotated section 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).
CHAPTER 3

GAMBLING, FORTUNE TELLING, ETC.

SECTION
11-301. Gambling.
11-302. Fortune telling, etc.


11-302. 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. (1977 Code, § 10-235)
CHAPTER 4

OFFENSES AGAINST THE PERSON

SECTION
11-401. Assault and battery.
11-402. Coercing people not to work.

11-401. **Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1977 Code, § 10-201)

11-402. **Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1977 Code, § 10-231)
CHAPTER 5
OFFENSES AGAINST THE PEACE AND QUIET

SECTION
11-501. Disturbing the peace.

11-501. 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. (1977 Code, § 10-202)

11-502. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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

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

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

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

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

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

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

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

(k) **Noises to attract attention.** The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.
(1) **Loudspeakers or amplifiers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

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

   (a) **Municipal vehicles.** Any vehicle of the 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 amplified or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

(1977 Code, § 10-234)
11-601. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1977 Code, § 10-209)

11-602. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1977 Code, § 10-211)

11-603. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way physically interfere with or attempt to physically interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1977 Code, § 10-210, as replaced by Ord. #514, Aug. 1998)

11-604. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1977 Code, § 10-217)
CHAPTER 7

FIREARMS, WEAPONS AND MISSILES

SECTION
11-701. Throwing missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1977 Code, § 10-214)

11-702. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policemen engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policemen to assist in the discharge of his duties. (1977 Code, § 10-212)

11-703. Target practice and the discharge of firearms. It shall be unlawful to target practice with a firearm without the express written consent of the owner of the property, either public or private, where such target practice occurs. Such written consent shall be on the person of the shooter while shooting. It shall further be unlawful to discharge a firearm on any property, public or private, with or without consent, wherein such discharge endangers adjacent or neighboring property, either public or private, or the owners or tenants thereof. It shall further be unlawful to discharge a firearm on any property, public or private, with or without such written consent, wherein such discharge disturbs or endangers nearby residents or businesses.

For the purposes of this section the term "firearms" shall mean any weapon from which a shot is discharged by force of an explosive or a weapon which acts by force of gunpowder, and shall also include all weapons which expel a projectile by means of the expansion of compressed air and/or carbon dioxide; the term "disturbs" shall mean to create a loud or obnoxious noise; the term "endangers" shall mean to discharge a firearm in a manner that shot or projectiles cross or fall on other properties; and the term "nearby" shall mean any property within six hundred (600) feet of the point of firearm discharge.
This section does not apply to any firing range owned and operated by the city for the benefit of its police department or other agencies. (1977 Code, § 10-213, as amended by Ord. #974, May 2013)
CHAPTER 8
TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION
11-801. Trespassing.
11-802. Malicious mischief.
11-803. Interference with traffic.
11-804. Trespassing on trains.

11-801. **Trespassing.** ¹ The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1977 Code, § 10-226)

11-802. **Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1977 Code, § 10-225)

11-803. **Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1977 Code, § 10-233)

11-804. **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. (1977 Code, § 10-221)

¹State law reference
CHAPTER 9

OFFENSES AGAINST THE PUBLIC HEALTH, SAFETY, WELFARE

SECTION

11-901. Abandoned refrigerators, etc.
11-902. Caves, wells, cisterns, etc.
11-903. Posting notices, etc.
11-904. Spitting.
11-905. Curfew for minors.
11-906. Smoking.
11-907. Camping on city property.

11-901. **Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1977 Code, § 10-223)

11-902. **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. (1977 Code, § 10-232)

11-903. **Posting notices, etc.** No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. (1977 Code, § 10-227)

11-904. **Spitting.** It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. (1977 Code, § 10-230)

11-905. **Curfew for minors.** It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 p.m. unless upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1977 Code, § 10-224)

11-906. **Smoking.** Smoking shall be prohibited in all pavilions and playgrounds located within city-owned parks. (as added by Ord. #976, June 2013)

11-907. **Camping on city property.** (1) "Camping" means the erection or use of temporary structures such as tents, tarps, and other temporary shelters
for living accommodation activities such as sleeping, or making preparations to sleep. "Camping" includes, but is not limited to, the laying down of bedding for the purpose of sleeping, storing personal belongings, making any fire, doing any digging or earth breaking or carrying on cooking activities, whether by fire or use of artificial means such as a propane stove or other heat-producing portable cooking equipment.

(2) It is unlawful for a person to engage in the activity of camping on property owned, operated, leased, or controlled by the city that is not specifically designated for use as a camping area by the city, including but not limited to: any public right-of-way (including public sidewalks), public walking trails, public parks, unless issued a valid and current permit as provided herein.

(3) The city manager, or his/her designee, may issue a permit for camping as provided under this section when, from a consideration of the application, and such other information as may otherwise be required and/or obtained, he or she finds that:

   (a) Adequate sanitary facilities are provided and accessible at or near the proposed campsite;

   (b) Adequate trash receptacles and trash collection are provided; and

   (c) The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners or the general public.

   (d) The organization granted a permit has insurance coverage in an amount satisfactory to the city manager and can provide adequate proof of the same.

Permits may only be issued to Boy Scout, Girl Scout, church or civic youth organizations or other organizations determined by the city manager or his/her designee to be of a similar nature.

(4) The city manager, or his/her designee, is authorized to revoke or refuse to issue a permit that has been issued if he or she finds lack of current or past compliance with any of the requirements of this section, or of any rule or regulation promulgated in of any ordinance or statute. (as added by Ord. #1100, July 2021 Ch8_07-19-21)
TITLE 12
BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. PROPERTY MAINTENANCE CODE.
6. UNSAFE BUILDING ABATEMENT CODE.
7. EXISTING BUILDINGS CODE.
8. MECHANICAL CODE.
9. MANUFACTURED HOMES PERMIT FEES.
10. POST DEVELOPMENT STORM WATER ORDINANCE.
11. RESIDENTIAL CODE.
12. ENERGY CONSERVATION CODE.
13. BOARD OF BUILDING CONSTRUCTION APPEALS.

CHAPTER 1
BUILDING CODE

SECTION
12-102. Modifications.
12-103. Permit required.
12-104. Fee schedule.
12-105. Available in recorder's office.
12-106. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the

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1Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

12-102. Modifications. 1. Definitions. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the city manager of the city. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the building code. (1977 Code, § 4-102, as amended by Ord. #235, Nov. 1988, modified, as replaced by Ord. #600, Sept. 2004)

12-103. Permit required. 1. A permit must be obtained for any construction or improvement with a valuation of one thousand five hundred dollars ($1,500.00) or more.

2. A home owner who wishes to construct his own home must sign the owner/builder regulation agreement in a form prescribed by the city.

3. In the event that installation is complete and construction has progressed prohibiting a normal inspection, the owner or his agent may:
   a. Uncover and expose the work; or
   b. Have the work inspected by an engineer licensed in the appropriate field who shall certify in writing that the installation complied with or exceeds the minimum standards set forth in the International Building Code.

4. Any required tests or costs incurring from the uncovering or exposing or any work shall be at the expense of the owner or his agent.

5. All inspections will be made when requested and one reinspection without additional fee. But upon the second reinspection, and additional fee of fifty dollars ($50.00) will be required before the second reinspection will be made. There will be a minimum fee of fifty dollars ($50.00). (1977 Code, § 4-103, as replaced by Ord. #600, Sept. 2004)

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1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-104. Fee schedule.

**COLLEGE DALE BUILDING PERMIT FEES**

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Plan review fees for community buildings only shall be at a rate of .125% of actual contract amount. With the exception of projects required to be reviewed by the Tennessee State Fire Marshal’s Office. (1977 Code, § 4-104, as replaced by Ord. #600, Sept. 2004)

12-105. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502 one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #600, Sept. 2004)

12-106. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (as added by Ord. #600, Sept. 2004)
CHAPTER 2

PLUMBING CODE

SECTION
12-201. Plumbing code adopted.
12-203. Permit required.
12-204. Fee schedule.
12-205. Available in recorder's office.
12-206. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, § 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code, 2 2018 edition as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (Ord. # 236, Nov. 1988, modified, as amended by Ord. #330, § 1, Aug. 1995; Ord. #503, March 1998, replaced by Ord. #600, Sept. 2004, and amended by Ord. #757, Sept. 2010, Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-202. Modifications. 1. Definitions. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager of this city. Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. (1977 Code, § 4-202, as amended by Ord. #236, Nov. 1988, and replaced by Ord. #600, Sept. 2004)

1 Municipal code references
   Cross connections: title 18.
   Street excavations: title 16.
   Wastewater treatment: title 18.
   Water and sewer system administration: title 18.

2 Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
12-203. Permit required. 1. A permit must be obtained for the plumbing installation on any new or existing structures when installing or adding plumbing fixtures or piping.
2. The plumbing permit must be obtained by a plumbing contractor who holds a Chattanooga or Hamilton County plumbing licence at the journeyman level or above, with the following exceptions:
   a. A home owner who wishes to do his own plumbing installation who signs the owner/builder regulations agreement in a form prescribed by the city.
3. It shall be unlawful for any person to use another person's license or number unless the licensed contractor supervises on the job site.
4. In the event that installation is complete and construction has progressed prohibiting a normal inspection, the owner or his agent, may:
   a. Uncover and expose the work; or
   b. Have the work inspected by an engineer licensed in the appropriate field who shall certify in writing that the installation complies with or exceeds the minimum standards set forth in the International Plumbing Code.
      Any required tests or costs incurring from the uncovering, or exposing or any work shall be at the expense of the owner or his agent.
5. All inspections will be made when requested and one reinspection without additional fee. But upon the second reinspection, and additional fee of fifty dollars ($50.00) will be required before the second reinspection will be made. There will be a minimum fee of fifty dollars ($50.00). (1977 Code, § 4-203, as replaced by Ord. #600, Sept. 2004)

12-204. Permit fees.
1. Water line $4.80
2. New fixtures $2.40 per fixture
3. Septic tank $9.60
4. Permit fee $9.60 (1977 Code, § 4-204, as replaced by Ord. #600, Sept. 2004)

12-205. Available in the recorders office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 of one (1) copy of the plumbing code has been placed on file in the recorders office and, shall be kept there for the use and inspection of the public. (as added by Ord. #600, Sept. 2004)

12-206. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (as added by Ord. #600, Sept. 2004)
CHAPTER 3

ELECTRICAL CODE

SECTION
12-301. Electrical code adopted.
12-302. Enforcement
12-303. Permit required
12-304. Fee schedule
12-305. Available in recorder's office.
12-306. Violations.


12-302. **Enforcement.** The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1977 Code, § 4-302, as replaced by Ord. #600, Sept. 2004)

12-303. **Permit required.** No electrical work shall be done within this city until a permit therefor has been issued by the city manager. 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.

\(^1\)Municipal code reference
Fire protection, fireworks and explosives: title 7.

\(^2\)Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.
1. The electrical permit must be obtained by a electrical contractor who holds a Chattanooga or Hamilton County Electrical license at the journeyman level or above, with the following exception:
   a. A home owner who wishes to do his own electrical installation who signs the owner-builder regulation agreement in a form prescribed by the city.
2. It shall be unlawful for any person to use another person's license or number unless the licensed contractor supervises on the job site.
3. In the event that installation is complete and construction has progressed prohibiting a normal inspection, the owner or his agent may:
   a. Uncover and expose the work; or
   b. Have the work inspected by an engineer licensed in the appropriate field who shall certify in writing that the installation complies with or exceeds the minimum standards set forth in the National Electrical Code.
   c. All inspections will be made when requested and one reinspection without additional fee. But upon the second reinspection, and additional fee of fifty dollars ($50.00) will be required before the second reinspection will be made. There will be a minimum fee of fifty dollars ($50.00)
4. Any required tests or costs incurring from the uncovering or exposing of any work shall be at the expense of the owner or his agent. (1977 Code, § 4-303, as replaced by Ord. #600, Sept. 2004)

12-304. Fee schedule.
1. Temporary service $9.60
2. Service $9.60 plus $2.50 per 100 amps
3. Feeder and branch circuits
   a. 0-30 amps $1.20
   b. 30-100 amps $2.40
   c. 100 amps or greater $3.60 per 100 amps
4. Permit fee $3.60 (1977 Code, § 4-304, as replaced by Ord. #600, Sept. 2004)

12-305. 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. (1977 Code, § 4-305, as replaced by Ord. #600, Sept. 2004)

12-306. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (Ord. #238, Nov. 1988, as replaced by Ord. #600, Sept. 2004, and Ord. #1059, Aug. 2018 Ch7_11-4-19)
CHAPTER 4

GAS CODE\textsuperscript{1}

SECTION
12-401. Title and definitions.
12-402. Purpose and scope.
12-403. Use of existing piping and appliances.
12-404. Bond and license.
12-405. Gas inspector and assistants.
12-406. Powers and duties of inspector.
12-407. Permit required.
12-408. Permit fees.
12-409. Inspections.
12-410. Certificates.
12-411. Available in recorder's office.
12-412. Violations and penalties.
12-413. Non-liability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the City of Collegedale and may be cited as such. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

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

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1977 Code, § 4-401, as replaced by Ord. #600, Sept. 2004)

12-402. Purpose and scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances

\textsuperscript{1}Municipal code reference
Gas system administration: title 19, chapter 2.
installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel/Gas Code, 1 2018 edition, as prepared and adopted by the International Code Council, Inc. (1977 Code, § 4-402, as amended by Ord. #334, § 1, Aug. 1995; and Ord. #505, March 1998, as replaced by Ord. #600, Sept. 2004, and amended by Ord. #757, Sept. 2010, Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer’s piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1977 Code, § 4-403, as replaced by Ord. #600, Sept. 2004)

12-404. Bond and license. 1. No person shall engage in or work at the installation, extension, or alteration of consumer’s gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars ($10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

2. Upon approval of said bond, the person desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder.

3. Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer’s piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1977 Code, § 4-404, as replaced by Ord. #600, Sept. 2004)

12-405. **Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city manager. (1977 Code, § 4-405, as replaced by Ord. #600, Sept. 2004)

12-406. **Powers and duties of inspector.** 1. The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

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

3. It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1977 Code, § 4-406, as replaced by Ord. #600, Sept. 2004)

12-407. **Permit required.** 1. No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

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

3. Except when work in a public street or other public way is involved, the gas company shall not be required to obtain permits to set meters, or to
extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1977 Code, § 4-407, as replaced by Ord. #600, Sept. 2004)

12-408. Permit fees.

<table>
<thead>
<tr>
<th>Unit/Qty.</th>
<th>Unit fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Permit fee</td>
<td>$6.00</td>
</tr>
<tr>
<td>Floor, furnaces, incinerators, Boilers, or central HVAC</td>
<td>1</td>
</tr>
<tr>
<td>Each additional unit</td>
<td>1</td>
</tr>
<tr>
<td>Wall furnaces, water heater</td>
<td>1</td>
</tr>
<tr>
<td>Other outlets 1 to 4</td>
<td>1</td>
</tr>
<tr>
<td>Each additional outlet above four</td>
<td>1</td>
</tr>
</tbody>
</table>

2. All inspections will be made when requested and one reinspection without additional fee. But upon the second reinspection and additional fee of fifty dollars ($50.00) will be required before the second reinspection will be made. There will be a minimum fee of fifty dollars ($50.00). (1977 Code, § 4-408, as replaced by Ord. #600, Sept. 2004)

12-409. Inspections. 1. A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

2. A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1977 Code, § 4-409, as replaced by Ord. #600, Sept. 2004)

12-410. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1977 Code, § 4-411, as replaced by Ord. #600, Sept. 2004)
12-411. **Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1977 Code, § 4-412, as replaced by Ord. #600, Sept. 2004)

12-412. **Violations and penalties.** Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (as added by Ord. #600, Sept. 2004)

12-413. **Non-liability.** This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (as added by Ord. #600, Sept. 2004)
CHAPTER 5

PROPERTY MAINTENANCE CODE

SECTION
12-503. Available in recorder's office.
12-504. Violations.

12-501. Property maintenance code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Property Maintenance Code, 1 2018 edition, as prepared and adopted by the International Code Council, Inc. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1977 Code, § 4-501, as amended by Ord. #335, § 1, Aug. 1995; Ord. #506, March 1998, as replaced by Ord. #600, Sept. 2004, and amended by Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-502. Modifications. (1) Definitions. Wherever the housing code refers to the "Housing Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager.

(2) Section 106 of the housing code is amended by deleting from that section, and all subsections thereto, the words "Housing Board of Adjustments and Appeals," wherever they appear and substituting the words "Zoning Board of Appeals" in each instance.

(3) Penalty clause deleted. Section 108 of the housing code is deleted. (1977 Code, § 4-502, as amended by Ord. # 271, April 1990, as replaced by Ord. #600, Sept. 2004)

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

1Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
inspection of the public. (1977 Code, § 4-503, as replaced by Ord. #600, Sept. 2004)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1977 Code, § 4-504, as replaced by Ord. #600, Sept. 2004)
CHAPTER 6
UNSAFE BUILDING ABATEMENT CODE

SECTION
12-601. Unsafe building abatement code adopted.
12-602. Modifications.
12-603. Available in recorder's office.
12-604. Violations.

12-601. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating buildings and structures to secure the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, the Standard Unsafe Building Abatement Code, 1 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. # 258, Sept. 1989, modified, as replaced by Ord. #600, Sept. 2004)

12-602. Modifications. Section 105 of the unsafe building abatement code entitled "Board of Adjustments and Appeals" is deleted in its entirety and the following section 105 is substituted in lieu thereof:

SECTION 105 - ZONING BOARD OF APPEALS

The Zoning Board of Appeals is hereby empowered to hear all appeals regarding this code and provide final interpretations of the provisions of this code, subject to all existing provisions relating to quorum, records, and procedures for said board. (Ord. # 269, April 1990, as replaced by Ord. #600, Sept. 2004)

12-603. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the recorder's office and shall be kept

1Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.
there for the use and inspection of the public. (as replaced by Ord. #600, Sept. 2004)

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (as replaced by Ord. #600, Sept. 2004)
CHAPTER 7

ACCESSIBILITY CODE

SECTION
12-701. Accessibility code adopted.
12-702. Enforcement
12-703. Modifications.
12-704. Available in recorder’s office.
12-705. Violations.

12-701. Accessibility code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 66-54-501 through 6-54-506, and for the purpose of regulating accessibility to a qualified handicap person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodations. In the area of structural modifications, this section may be satisfied by compliance with the American National Standard, Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-2009), that is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the accessibility code. (Ord. #240, Nov. 1988, modified, as replaced by Ord. #600, Sept. 2004, and amended by Ord. #890, Nov. 2012)

12-702. Enforcement. The building official shall be such person as the board of mayor and aldermen shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the accessibility code as herein adopted by reference. He is authorized direct to make such inspections of equipment, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue service to any person or place not complying with this chapter. (as replaced by Ord. #600, Sept. 2004)

12-703. Modifications. Definitions. Whenever the accessibility code refers to the "Building Official" it shall, for the purposes of the accessibility code, mean such person as the city manager shall have appointed or designated to administer and enforce the provisions of the accessibility code. (as replaced by Ord. #600, Sept. 2004)

Municipal code references
Fire protection, fireworks, and explosives: title 7.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.
12-704. **Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the accessibility code has been placed on B e in the recorder's office and shall be kept there for the use and inspection of the public. (as replaced by Ord. #600, Sept. 2004)

12-705. **Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the accessibility code as herein adopted by reference and modified. (as added by Ord. #600, Sept. 2004)
CHAPTER 8

MECHANICAL CODE

SECTION
12-801. Mechanical code adopted.
12-802. Modifications.
12-803. Permit required.
12-804. Available in recorder's office.
12-805. Violations.

12-801. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems, the International Mechanical Code,\(^1\) 2018 edition as prepared and adopted by the International Code Council, Inc. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #241, Nov. 1988, modified, as replaced by Ord. #600, Sept. 2004, and amended by Ord. #757, Sept. 2010, Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-802. Modifications. 1. Definitions. Wherever the mechanical 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 commissioners.

Wherever "City Engineer," "Engineering Department," "Mechanical Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the mechanical code. (Ord. #241, Nov. 1988, modified, as replaced by Ord. #600, Sept. 2004)

12-803. Permit required. 1. Any owner authorized agent or contractor who desires to install a mechanical system on commercial buildings, the installation which is regulated by this code, or to cause any such work to be done, shall first make application to the mechanical official and obtain the required permit for the work.

2. In the event that installation is complete and construction has progressed prohibiting a normal inspection, the owner or his agent, at his option may:

   a. Uncover and expose the work; or

\(^1\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
b. Have the work inspected by an engineer licensed in the appropriate field who shall certify in writing that the installation complies with or exceeds the minimum standards set forth in the International Code Council.

3. Any required tests or costs incurred by uncovering any work are at the expense of the owner or his agent. (as replaced by Ord. #600, Sept. 2004)

12-804. Permit fees. The schedule of permit fees as recommended in "Appendix B" of the mechanical code is hereby amended so that the fees to be collected shall be as follows:

1. Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration shall be ten dollars ($10.00) for the first one thousand dollars ($1,000.00) or fraction thereof, of valuation of the installation plus two dollars and fifty cents ($2.50) for each additional one thousand dollars ($1,000.00) or fraction thereof.

2. Fee for inspecting repairs, alterations and additions to an existing system shall be six dollars ($6.00) plus two dollars and fifty cents ($2.50) for each additional one thousand dollars ($1,000.00) or fraction thereof.

3. Fee for inspecting boilers (based upon BTU input):
   - 33,000 BTU (1BHp) to 165,000 (5BHp) $5.00
   - 165,001 BTU (5BHp) to 330,000 (10BHp) $10.00
   - 330,001 BTU (10BHp) to 1,165,000 (52BHp) $15.00
   - 1,165,001 BTU (52BHp) to 3,300,000 (98BHp) $25.00
   - Over 3,300,000 BTU $30.00

4. All inspections will be made when requested and one reinspection without additional fee. But upon the second reinspe ction, an additional fee of fifty dollars ($50.00) will be required before the second reinspection will be made. There will be a minimum fee of fifty dollars ($50.00). (as replaced by Ord. #600, Sept. 2004)

12-805. Available in the 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 recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #600, Sept. 2004)

12-806. 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. (as added by Ord. #600, Sept. 2004)
CHAPTER 9
MANUFACTURED HOMES PERMIT FEES

SECTION
12-901. Definitions.
12-902. Schedule of fees.
12-903. Persons authorized to perform connections.

12-901. Definitions. For the purposes of this chapter, the term "mobile home" will be synonymous with manufactured home. (as added by Ord. #451, May 1996, as replaced by Ord. #600, Sept. 2004)

12-902. Schedule of fees. (1) Permit fee amounts. The permit fee for single section mobile homes shall be seventy-five dollars ($75.00). The permit fee for multi-section mobile homes shall be one hundred twenty five dollars ($125.00).

(2) Inspections included in fee. One inspection and one re-inspection shall be included in the permit fee. In the event two or more re-inspections are needed an additional fifty dollars ($50.00) fee will be charged for each additional re-inspection.

(3) Purpose. Permit fees are established to cover the inspection of electrical, water and sewer connections and compliance with zoning ordinance regulations. (as added by Ord. #451, May 1996, as replaced by Ord. #600, Sept. 2004)

12-903. Person authorized to perform connections. (1) Electrical connections. Electrical connections must be performed by a person or persons who hold a Chattanooga or Hamilton County trade license at the journeyman level or above. All electrical connections must meet the city adopted edition of the National Electrical Code.

(2) Plumbing connections. Plumbing connections must be performed by a person or persons who hold a Chattanooga or Hamilton County trade license at the journeyman level or above. All plumbing connections must meet the city adopted edition of the International Plumbing Code. (as added by Ord. #451, May 1996, as replaced by Ord. #600, Sept. 2004)
CHAPTER 10
POST DEVELOPMENT STORM WATER ORDINANCE

SECTION
12-1002. Runoff management permits.
12-1003. Sunset clause.

12-1001. Definitions. 1. Ordinance-specific terminology. As used herein certain words and abbreviations have specific meanings related to this ordinance. The definition of some, but not necessarily all, such ordinance-specific terms are, for the purposes of this ordinance, to be interpreted as described herein below:

a. "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of storm water runoff. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The City of Collegedale herein adopts the applicable portions of the City of Knoxville Best Management Practices (BMP) Manual dated June 2006 for post-development storm water quality.

b. "First flush" is defined as the initial storm water runoff from a contributing drainage area which carries the majority of the contributed pollutants. First flush is first three-fourths (3/4)" of runoff.

c. "Maintenance agreement" means a legally recorded document which acts as a property deed restriction and which provides for long-term maintenance of storm water management practices.

d. "Responsible party" means owners and/or occupants of property within the city area who are subject to penalty in case of default.

e. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and discharge resulting from precipitation.

f. "Storm water" runoff means flow on the surface of the ground, resulting from precipitation. (as added by Ord. #679, June 2007)

12-1002. Runoff management permits. 1. Mandatory. a. A post development runoff management permit will be required in the following cases:

i. Development, redevelopment, and/or land disturbing activity that disturbs one or more acres of land;

ii. Development, redevelopment, and/or land disturbing activity that disturbs less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land.
iii. Any development, redevelopment, and/or land disturbing activity that, in the opinion of the city, should incorporate post development storm water controls.

2. **Runoff management.** Site requirements shall include the following items:
   a. Record drawings;
   b. Implementation of landscaping and stabilization requirements;
   c. Inspection of runoff management facilities;
   d. Maintenance of records of installation and maintenance activities; and
   e. Identification of person responsible for operation of maintenance of runoff management facilities.

3. **Application requirements:**
   a. Unless specifically excluded by this ordinance, any landowner or operator desiring a post development runoff management permit for a development, redevelopment, and/or land disturbance activity shall submit a permit application on a form provided by the city.
   b. A permit application must be accompanied by:
      i. Storm water management plan which addresses specific items as described in the BMP manual;
      ii. Maintenance agreement for any pollution control facilities included in the plan; and
      iii. Nonrefundable post development runoff management permit fee of one hundred dollars ($100.00).

4. **Building permit.** No building permit shall be issued by the city until a post development runoff management permit, where the same is required by this ordinance, has been obtained.

5. **General performance criteria for post development runoff management.** All sites are required to satisfy the following criteria as specified in the BMP manual:
   a. Through the selection, design, and maintenance of permanent BMPs, provide pollution control for sources of contaminants and pollutants that could enter storm water.
   b. Protect the downstream water environment from degradation.
   c. Implement additional performance criteria or utilize certain post development storm water management practices to enhance storm water discharges to critical areas with sensitive resources (e.g., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs).
   d. Implement specific post development storm water treatment practices (STP) and pollution prevention practices for storm water discharges from land uses or activities with higher-than-typical potential pollutant loadings, known as "hot spots."
6. **Review and approval of application.** a. The city staff will review each application for a post development runoff management permit to determine its conformance with the provisions of this ordinance. The city staff shall complete the review of an application within thirty (30) calendar days of its submission. Should an application be rejected, an additional thirty (30) calendar days will be allowed for staff review of each subsequent submission of a revised application. If the city staff fails to act within the time limit established hereinbefore, an application shall be presumed to be approved by default.

b. No development shall commence until the post development runoff management permit has been approved by the city staff or until the time limit allowed for review has expired.

7. **Failure to conform with approved plan.** City inspector shall not authorize issuance of a "certificate of occupancy" until runoff management measures complying with an approved plan are fully operational. (as added by Ord. #679, June 2007)

12-1003. **Sunset clause.** After December 31, 2007 this ordinance shall no longer take effect, and shall be deleted in its entirety. (as added by Ord. #679, June 2007)
CHAPTER 11

RESIDENTIAL CODE

SECTION
12-1101. Residential code adopted.
12-1102. Modifications.
12-1103. Available in recorder's office.
12-1104. Violations.

12-1101. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in new dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,\(^1\) 2018 edition with appendices A, B, C, E, H, J and M as prepared and adopted by the International Code Council, Inc., and amended as follows:

1) Section R101.1 Insert "City of Collegedale Tennessee" in "Name of Jurisdiction"
2) Table R301.2(1) adding the following Snow Load "10#", Wind Speed "115", Seismic "C", Weathering "Severe", Frost Line Depth, "12", Termite "Moderate to Heavy", Winter Design Temperature "20°F", Ice Barrier Required, "No", +Flood Hazards, See FIRM, Air Freezing Index, "1500 or Less", and Mean Annual Temperature "59.4°F"
3) Section R314.6, Power Source, relating to Smoke Alarms, is amended to create Exception 3 that shall read:
   Exception 3. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where alterations or repairs do not result in the removal or interior walls or ceiling finishes exposing the structure.
4) Section R-313 Automatic Fire Sprinkler Systems is deleted in its entirety.
5) R Chapter 11 entitled Energy Efficiency of the 2018 International Residential Code is deleted in its entirety. (as added by Ord. #757, Sept. 2010, and amended by Ord. #890, Nov. 2012, and Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-1102. Modifications. (1) Definitions. Wherever the residential code refers to the "building official" it shall mean the person appointed or designated by the board of mayor and commissioners to administer and enforce the

\(^{1}\)Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
provisions of the residential code. Wherever the "chief appointing authority" is referred to it shall mean the city manager.

(2) Section 106 of the residential code is amended by deleting from that section, and all subsections thereto, the words "board of appeals" wherever they appear and substituting the words "zoning board of appeals" in each instance.

(3) Penalty clause deleted. Section R113.4 of the residential code is deleted. (as added by Ord. #757, Sept. 2010)

12-1103. Available in recorder's office. Pursuant to the requirements of 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. (as added by Ord. #757, Sept. 2010)

12-1104. Violations. 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. (as added by Ord. #757, Sept. 2010)
CHAPTER 12
ENERGY CONSERVATION CODE

SECTION
12-1202. Available in recorder's office.
12-1203. Violations.

12-1201. Energy conservation code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through energy efficiency and conservation, the International Energy Conservation Code,1 2018 edition, as prepared and adopted by the International Code Council, Inc. is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the energy conservation code. (as added by Ord. #757, Sept. 2010, as amended by Ord. #890, Nov. 2012, replaced by Ord. #1059, Aug. 2018 Ch7_11-4-19, and amended by Ord. #1087, Dec. 2020 Ch8_07-19-21)

12-1202. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the 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. (as added by Ord. #757, Sept. 2010)

12-1203. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the energy conservation code as herein adopted by reference. (as added by Ord. #757, Sept. 2010)

1Copies of this code (and any amendments) are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.
CHAPTER 13

BOARD OF CONSTRUCTION APPEALS

SECTION
12-1301. Board of building construction appeals established; appointment of members.
12-1302. Composition of board.
12-1303. Appointment; terms.
12-1304. Appeals.
12-1305. Unsafe conditions.
12-1306. Decisions.
12-1308. Rules of procedure.
12-1309. Quorum.
12-1310. Secretary of board.
12-1311. Decisions are final.
12-1312. Fees.

12-1301. Board of building construction appeals established: appointment of members. There is hereby created and established a board to be called the board of building construction appeals which shall consist of three (3) voting members from the City of Collegedale Planning Commission which shall be appointed by the mayor and subject to approval by a majority vote of the Board of Commissioners for the City of Collegedale per the requirements established in this chapter. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1302. Composition of board. The board of building construction appeals shall be composed of the following:
  (1) One (1) member a State of Tennessee licensed engineer.
  (2) One (1) member at large from the building industry.
  (3) One (1) member at large from the public.

All board members shall be residents of Hamilton County at the time of their appointment and during their term on the board. At the first meeting of the board after the appointment of members of the board created by this chapter, they shall meet and organize electing one (1) of their members to be chairman of the board and one (1) member to be vice chairman. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1303. Appointment; terms. The members shall be nominated by the mayor, subject to city commission confirmation, for terms of four (4) years each. Vacancies shall be filled for a term in the manner in which original appointments are made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render such member
12-1304. **Appeals.** (1) The owner of a building, structure or service system, or his /her duly authorized agent, may appeal a decision of the building and codes director or his designee to the building construction appeals board whenever any one (1) of the following conditions are claimed to exist:

(a) The building and codes director rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a structure or service system;

(b) When it is claimed that the provisions of the code (including revisions and new additions thereto) do not apply;

(c) That any equally good or more desirable form of installation can be employed in any specific case; or

(d) When it is claimed that the true intent and meaning of the code or any of the regulations thereunder have been misconstrued or wrongly interpreted.

(2) Notice of appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the building and codes director or his designee. An appeal shall be on forms provided by the building and codes director. (as added by Ord. #1090, Feb 2021 *Ch8_07-19-21*)

12-1305. **Unsafe conditions.** In case of a construction project which, in the opinion of the building and codes director, is unsafe, unhealthy, or otherwise creates an issue requiring expedited action in order to foster the public welfare, the building and codes director may limit the time for an appeal to a shorter period. If the director limits the time for appeal, they must put their specific reasons in writing and provide a copy to the property owner. (as added by Ord. #1090, Feb 2021 *Ch8_07-19-21*)

12-1306. **Decisions.** The board of building construction appeals, when appealed to and after a public hearing, may interpret the application of any provision of the city's adopted codes to any particular case when in the board's opinion, the enforcement thereof would cause undue hardship, would be contrary to the spirit and purpose of the adopted code or public interest, or when in the board's opinion the interpretation of the building and codes director should be modified or reversed. (as added by Ord. #1090, Feb 2021 *Ch8_07-19-21*)

12-1307. **Action.** The board shall consider an appeal within forty-five (45) days of its filing and shall reach a decision within thirty (30) days after the initial consideration of the appeal, unless the applicant requests or consents to additional time. Each decision of the board shall also include the basis for its decision, which shall be reduced to writing and signed by the chairman. If a
decision of the board reverses or modifies a decision of the building and codes director, or varies the application of any provision of the adopted code, the building and codes director shall immediately take action in accordance with that decision. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1308. **Rules of procedure.** The board of building construction appeals may establish guidelines and procedures consistent with the provisions of the adopted codes. The board shall meet at such intervals as it may deem necessary for the proper performance of its duties. A certified copy of the board’s decision shall be sent by mail to the appellant and a copy shall be kept in the public records of the building and codes director. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1309. **Quorum.** Two (2) members of the board of building construction appeals shall constitute a quorum. In varying the application of any provisions of the adopted code or in modifying an order of the building and codes director, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A board member shall not act in a case in which he or she might have a personal interest. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1310. **Secretary of board.** The building and codes director or his designee shall serve as secretary of the board, and shall keep a detailed record of the board’s meetings and determinations. Such record shall be a public record filed in the offices of building and codes department. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1311. **Decisions are final.** Each decision of the board of building construction appeals shall be final, subject only to such review or remedy as may be obtained in a court of law. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)

12-1312. **Fees.** When a decision of the building and codes director is appealed to the board of building construction appeals, the property owner or applicant shall pay a filing fee of one hundred dollars ($100.00), which may be refundable at the discretion of the board if the board overturns the decision of the building and codes director. (as added by Ord. #1090, Feb 2021 Ch8_07-19-21)
TITLE 13
PROPERTY MAINTENANCE REGULATIONS

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

CHAPTER 1
MISCELLANEOUS

SECTION
13-101. Smoke, soot, cinders, etc.
13-102. Stagnant water.
13-104. Overgrown and dirty lots.
13-105. Dead animals.
13-106. Health and sanitation nuisances.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1977 Code, § 8-405)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-406)

13-103. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the

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1Municipal code references
Animals and fowls: title 10.
Littering streets, etc.: section 16-107.
Toilet facilities in beer places: section 8-213(12).
Wastewater treatment: title 18, chapter 2.
city recorder, or code enforcement officer or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1977 Code, § 8-407, as amended by Ord. #494, § 1, Sept. 1997)

13-104. **Overgrown and dirty lots.**  (1) **Prohibition.** It shall be unlawful for any owner of record of any real property and/or occupant thereof to permit any of the following conditions that would be detrimental to the welfare of the surrounding community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property; interfere with the comfort, health, safety, and well being of the public; create, extend, and aggravate urban blight; encourage the infestation of rodents or insects, including but not limited to:

(a) Create, maintain, or permit to be maintained on such property the uncontrolled growth of trees, vines, grass, or underbrush;
(b) Create, maintain, or permit to be maintained on such property the accumulation of dead or fallen trees and/or tree limbs;
(c) Create, maintain, or permit to be maintained on or in such property any unattended excavations or piles of dirt, gravel or other fill material;
(d) Allow the accumulation on such property of debris, trash, litter, or garbage.

(2) **Deleted.**

(3) **Designation of public officer or department.** The code enforcement officer and/or the code enforcement department, or its duly authorized representative shall be the appropriate department and/or person to enforce the provisions of this section.

(4) **Notice to property owner.** It shall be the duty of the department or person designated by the city commission to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be served upon the owner of record, either personally or by certified mail, but if the whereabouts of such person is unknown and the same cannot be

1Municipal code reference
Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner’s expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.
ascertained by the public officer in the exercise of reasonable diligence, and the
public officer shall make an affidavit to that effect, then the serving of such
complaint or order upon such persons may be made by publishing the same once
each week for two (2) consecutive weeks in a newspaper of general circulation
within the city. In addition, a copy of such complaint or order shall be posted in
a conspicuous place on the premises affected by the complaint or order.

(a) A brief statement that the owner is in violation of section
13-104 of the Collegedale Municipal Code, which has been enacted under
the authority of Tennessee Code Annotated, section 6-54-113, and that
the property of such owner may be cleaned-up at the expense of the owner
and a lien placed against the property to secure the cost of the clean-up;
(b) The person, office, address, and telephone number of the
department or person giving the notice;
(c) A cost estimate for remedying the noted condition, which
shall be in conformity with the standards of cost in the city; and
(d) A place wherein the notified party may return a copy of the
notice, indicating the desire for a hearing.

(5) Clean-up at property owner's expense. If the property owner of
record fails or refuses to remedy the condition within ten (10) days after
receiving the notice (twenty (20) days if the owner is a carrier engaged in the
transportation of property or is a utility transmitting communications,
electricity, gas, liquids, steam, sewage, or other materials), the department or
person designated by the city commission to enforce the provisions of this
section shall immediately cause the condition to be remedied or removed at a
cost in conformity with reasonable standards, and the cost thereof shall be
assessed against the owner of the property. Upon the filing of the notice with
the office of the register of deeds in Hamilton County, the costs shall be a lien
on the property in favor of the municipality, second only to liens of the state,
county, and municipality for taxes, any lien of the municipality for special
assessments, and any valid lien, right, or interest in such property duly recorded
or duly perfected by filing, prior to the filing of such notice. These costs shall be
placed on the tax rolls of the municipality as a lien and shall be added to
property tax bills to be collected at the same time and in the same manner as
property taxes are collected. If the owner fails to pay the costs, they may be
collected at the same time and in the same manner as delinquent property taxes
are collected and shall be subject to the same penalty and interest as delinquent
property taxes.

(6) Appeal. The owner of record who is aggrieved by the determination
and order of the public officer may appeal the determination and order to the
city commission. The appeal shall be filed with the city recorder within ten (10)
days following the receipt of the notice issued pursuant to subsection (3) above.
The failure to appeal within this time shall, without exception, constitute a
waiver of the right to a hearing.
(7) Judicial review. Any person aggrieved by an order or act of the city commission under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as amended by Ord. #494, §§ 2, 3, and 4, Sept. 1997, and Ord. #1058, July 2018 Ch7_11-4-19)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city recorder and dispose of such animal in such manner as the city recorder shall direct. (1977 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1977 Code, § 8-409)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1977 Code, § 8-404)
CHAPTER 2

SLUM CLEARANCE

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

13-201. Findings of board. Pursuant to Tennessee Code Annotated, section 13-21-101 et seq., the city commission finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (as amended by Ord. #1058, July 2018 Ch7_11-4-19)

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

(2) "Governing body" shall mean the board of commissioners charged with governing the city.

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

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

1\State law reference
Tennessee Code Annotated, title 13, chapter 21.
(5) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

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

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

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

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

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use or to vacate and close the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure.
13-206. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful."

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

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

13-209. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Collegedale; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light,
or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

13-210. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Hamilton County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law.

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

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

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

1. To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
2. To administer oaths, affirmations, examine witnesses and receive evidence;
3. To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
5. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.
13-213. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws.
CHAPTER 3

JUNKYARDS

SECTION

13-301. **Junkyards.**¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1977 Code, § 8-410)

¹State law reference
The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of **Hagaman v. Slaughter**, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).
TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER 1

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

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION
15-102. Authorized emergency vehicles defined.
15-104. Following emergency vehicles.
15-105. Running over fire hoses, etc.
15-106. Driving on streets closed for repairs, etc.
15-108. Driving under the influence.
15-110. Unlaned streets.
15-111. Laned streets.
15-112. Yellow lines

1Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

2State law references
Under Tennessee Code Annotated, section 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.
15-101. 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 chapter 9, title 59, of the Tennessee Code Annotated. (1977 Code, § 9-101)

15-102. 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. (1977 Code, § 9-102)

15-103. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction

¹Municipal code reference
Operation of other vehicles upon the approach of emergency vehicles: section 15-401.
of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible 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. (1977 Code, § 9-103)

15-104. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling 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. (1977 Code, § 9-104)

15-105. 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. (1977 Code, § 9-105)

15-106. 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. (1977 Code, § 9-106)

15-107. Careless driving. It shall be unlawful for any person to operate a motor vehicle upon the streets and highways of the City of Collegedale in a careless unattentive manner. For the purpose of this section careless and unattentive driving is defined to mean:

(1) Failure to drive in a careful and prudent manner, having due regard for the width, grade, curves, corners, shoulders, traffic and all other attendant circumstances, so as to endanger life, limb, or property of any person, or

(2) To operate a motor vehicle which has frost, fog or other foreign matter or debris upon its windshield or windows which obstruct the vision of the driver. (1977 Code, § 9-107)

15-108. Driving under the influence. No person shall drive or operate any automobile or other motor driven vehicle while under the influence of an
intoxicant, or while under the influence of narcotic drugs, or while under the influence of drugs producing stimulating effects on the central nervous system. (1977 Code, § 9-108)

15-109. 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. (1977 Code, § 9-109)

15-110. 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. (1977 Code, § 9-110)

15-111. 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. (1977 Code, § 9-111)

15-112. 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. (1977 Code, § 9-112)
15-113. **Miscellaneous traffic-control signs, etc.** 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. (1977 Code, § 9-113)

15-114. **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*, published by the U.S. Bureau of Public Roads, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1977 Code, § 9-114)

15-115. **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. (1977 Code, § 9-115)

15-116. **Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1977 Code, § 9-116)

15-117. **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. (1977 Code, § 9-117)

1Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control sign, traffic control signals generally: section 15-405--15-409.

2This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
15-118. 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. (1977 Code, § 9-118)

15-119. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1977 Code, § 9-119)

15-120. 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. (1977 Code, § 9-120)

15-121. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1977 Code, § 9-121)

15-122. 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. (1977 Code, § 9-122)

15-123. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1977 Code, § 9-123)

15-124. 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. (1977 Code, § 9-124)

15-125. 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." (1977 Code, § 9-125)

15-126. 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. (1977 Code, § 9-126)

15-127. Bicycle riders, etc. (1) Every person riding a bicycle upon roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.

(2) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon the streets or roadways.

(5) Every person operating a bicycle upon a roadway or street shall ride with the flow of traffic as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding bicycles upon a roadway or street shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
(7) Wherever a usable path for bicycles has been provided adjacent to a roadway or street bicycle riders shall use such path and shall not use the roadway.

(8) Any person operating a bicycle shall keep at least one (1) hand upon the handlebars.

(9) After sundown, every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear; except that a red reflector meeting the requirements of this section may be used in lieu of the red light. All such lamps and reflectors shall be in place and in operation whenever a bicycle is operated after sundown.

(10) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(11) This section shall apply whenever a bicycle is operated upon any street, or upon any public path set aside for exclusive use of bicycles, subject to those exceptions stated herein. (1977 Code, § 9-127)

15-128. Registration of motor vehicles. (1) Definitions. For the purpose of this section, unless a different meaning clearly appears in context, the following definitions of terms shall be used in its interpretation:

(a) "Motor vehicle." Any device self-propelled by an internal combustion engine in, upon, or by which any person or property is transported or drawn upon the streets or other public ways of the city except the following: those belonging to governmental agencies; those belonging to nonresident tourists or visitors in the city for not more than thirty days; those belonging to and used by individuals who are not residents of Hamilton County, but not used for transportation to, or in the pursuit of, any occupation, vocation, business, trade or profession within the city; farm tractors and special mobile equipment.

(b) "Farm tractor." A vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements.

(c) "Motorcycle." A motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground.

(d) "Truck." A motor vehicle designed, used, or maintained primarily for the transportation of property.

(e) "Person." A natural person, firm or copartnership, association, or corporation.

(f) "Special mobile equipment." Any vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the streets or other public ways.
(g) "Registration time." Time of registration shall be June 15th, delinquent August 1st, next or within five days after the purchase of a motor vehicle, or within thirty (30) days after a motor vehicle is brought into the city from another state or county, and shall not be for a period less than one year.

(h) "Nonresident." A person not a resident of the city.

(i) "Owner." A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

(2) Registration required. Every motor vehicle licensed by the State of Tennessee and owned or regularly operated by a resident person, or an association, firm or corporation with a place of business in the city, shall be registered with the city recorder. Each motor vehicle so registered shall be assigned an individual number in this book and the owner or operator issued a certification (decal) bearing the same number in form. Said decal shall be displayed in lower left corner of vehicle tag.

(3) Registration fee. At the time of registration each owner or operator shall pay a fee for registering the motor vehicle owned by him or regularly driven by him. The fee to be as follows:

- Motor scooters and motorbikes $ 2.00
- Motorcycles, automobiles, pick-up trucks and motor homes 5.00
- Trucks, 1-5 tons, single axle 25.00
- Trucks, over 5 tons, single axle 50.00
- Trucks, tandem rear axle 100.00
- Tractor 200.00

(4) Motor vehicle dealers. Each licensed motor vehicle dealer shall register one vehicle which is being held for sale. Such registration shall entitle such dealer to drive any motor vehicle upon the streets of the city for demonstration purposes only.

(5) Trucks or buses used in interstate commerce. There are excepted from this section trucks and buses used in interstate commerce not based in Collegedale.

(6) Report required on transfers. All persons selling or transferring one or more motor vehicles within the corporate limits of the city shall report said sale or transfer to the city manager within thirty-six (36) hours after such sale or transfer, giving the make, type, motor number and license number of said vehicle, and the name of the person to whom the transfer was made. The registration fee for vehicles acquired more than six months after June 15th shall be one-half the regular fee.
(7) **Purpose clause.** To be used in defraying the cost of administration of this section, the enforcement of its provisions, for the promotion of traffic safety and installation of signs, signals, markings and other safety devices and for regulating traffic on the streets of the city.

(8) **Penalty.** It shall be unlawful for any person to operate a motor vehicle upon the streets of the city without having registered such vehicle and paying the registration fee. It shall be unlawful for any motor vehicle dealer or any person to sell or transfer a motor vehicle without notifying the city recorder of such transaction. Any violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction the person violating the same shall be fined in accordance with the general penalty clause in this code of ordinances. (1977 Code, § 9-128, as modified by Ord. # 242, Oct. 1988, and Ord. # 272, May 1990, and Ord. # 289, March 1992)

15-129. **Use of driver's license in lieu of bond.** Whenever any person lawfully possessed of a chauffeur's or operator's license heretofore issued to him by the department of safety is issued a citation or is arrested and charged with a violation of any ordinance regulating traffic, except driving under the influence of intoxicant or narcotic drug or leaving the scene of an accident, said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of other security required for his appearance in city court in answer to such charge before said court. The said officer or clerk with whom the said license is deposited shall issue to such person a receipt in accordance with Tennessee Code Annotated, section 55-50-802. (1977 Code, § 9-129)
CHAPTER 2

SPEED LIMITS

SECTION
15-201. In general.
15-203. In school zones and near playgrounds.
15-204. In congested areas.

15-201. 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-five (35) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1977 Code, § 9-201)

15-202. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1977 Code, § 9-202)

15-203. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the city. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1977 Code, § 9-203)

15-204. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1977 Code, § 9-204)
CHAPTER 3

TURNING MOVEMENTS

SECTION
15-301. Generally.
15-302. Right turns.
15-303. Left turns on two-way roadways.
15-304. Left turns on other than two-way roadways.
15-305. U-turns.

15-301. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1977 Code, § 9-301)

15-302. 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. (1977 Code, § 9-302)

15-303. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1977 Code, § 9-303)

15-304. 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 land lawfully available to traffic moving in such direction upon the roadway being entered. (1977 Code, § 9-304)


¹State law reference
Tennessee Code Annotated, section 55-8-143.
CHAPTER 4

STOPPING AND YIELDING

SECTION
15-402. When emerging from alleys, etc.
15-403. To prevent obstructing an intersection.
15-404. At railroad crossings.
15-405. At "stop" signs.
15-406. At "yield" signs.
15-407. At traffic-control signals generally.
15-408. At flashing traffic-control signals.
15-409. At pedestrian-control signals.
15-410. Stops to be signaled.

15-401. Upon approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1977 Code, § 9-401)

15-402. 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. (1977 Code, § 9-402)

15-403. To prevent obstructing an intersection. No driver shall enter any intersection or marked cross walk unless there is sufficient space on the other side of such intersection or cross walk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or cross walk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1977 Code, § 9-403)

15-404. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:
(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1977 Code, § 9-404)

15-405. At "stop" signs. The driver of a vehicle facing a "Stop" sign shall bring his vehicle to a complete stop immediately before entering the cross walk on the near side of the intersection or, if there is no cross walk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1977 Code, § 9-405)

15-406. 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. (1977 Code, § 9-406)

15-407. 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 a 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 cross walk at the time such signal is exhibited.
   (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.
(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 before entering the cross walk 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 cross walk 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. (1977 Code, § 9-407)

15-408. 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 by the municipality 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 cross walk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
   (b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-404 of this title. (1977 Code, § 9-408)

15-409. At pedestrian-control signals. Wherever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:
   (1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.
   (2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1977 Code, § 9-409)
15-410. **Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1977 Code, § 9-410)

¹State law reference
Tennessee Code Annotated, section 55-8-143.
CHAPTER 5

PARKING

SECTION
15-503. Occupancy of more than one space.
15-504. Where prohibited.
15-505. Loading and unloading zones.
15-506. Presumption with respect to illegal parking.

15-501. Generally. (1) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the police officer, fire official, or other official responsible for enforcement of the municipal code finding such vehicle a citation may be issued for the driver and/or owner to answer for the violation during the hour and at a place specified in the citation. The offender may waive his right to a judicial hearing and have the charges disposed of out of court, provided that the penalty for the violation is paid by the assigned court date. The penalty for parking in a fire lane or public right-of-way, public or private property or in a handicapped parking space, as prohibited by § 15-504 of this code, shall be fifty dollars ($50.00) and the penalty for other parking violations shall be twenty-five dollars ($25.00). If not removed within twenty-four (24) hours of notification the vehicle will be removed by the city at the owners' expense. The parked vehicle shall be within eighteen inches (18") of the curbside.

(2) The intent of this chapter is to provide for the safe and effective passage and access of traffic of any nature at all times, but particularly for postal, utility, municipal service, general service, delivery, and or emergency services vehicles of all types. The issuance of a citation or the removal of a vehicle shall be based upon these criteria. (1977 Code, § 9-501, as replaced by Ord. #707, July 2009)

15-502. 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 feet (24'). (1977 Code, § 9-502, as replaced by Ord. #707, July 2009)

15-503. 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 (1) 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. (1977 Code, § 9-503, as replaced by Ord. #707, July 2009)

15-504. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;
(2) In front of a public or private driveway;
(3) Within an intersection;
(4) Within fifteen feet (15') of a fire hydrant;
(5) Within a pedestrian crosswalk;
(6) Within twenty feet (20') of a crosswalk at an intersection;
(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
(8) Within fifty feet (50') of the nearest rail of a railroad crossing;
(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;
(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; no person shall park a vehicle on a street so as to leave less than eighteen feet (18') unobstructed width of the street for the free passage of other vehicles and a clear view of such vehicle shall be available from a distance of two hundred feet (200') in each direction;
(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is:
   (a) Physically handicapped; or
   (b) Parking such vehicle for the benefit of a physically handicapped person.

A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

(14) At no time shall watercraft, boats, motor homes, campers, recreational vehicles of any kind, trailers of any kind, or trucks over one (1) ton be parked in the street except to allow for the active loading or unloading of material or contents. At all times the minimum requirements of subsection (11) shall be complied with. (1977 Code, § 9-504, as replaced by Ord. #445, § 1, Feb. 1996, and Ord. #707, July 2009)
15-505. **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. (1977 Code, § 9-505, as replaced by Ord. #707, July 2009)

15-506. **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. (1977 Code, § 9-506, as replaced by Ord. #707, July 2009)
CHAPTER 6

ENFORCEMENT

SECTION
15-601. Issuance of traffic and parking citations.
15-602. Failure to obey citation.
15-603. Impoundment of vehicles.
15-604. Violation and penalty.

15-601. **Issuance of traffic and parking citations.** (1) When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of such 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 a civil offense for any alleged violator to give false or misleading information as to his name or address.

(2) **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 thirty (30) days during the hours and at a place specified in the citation. (1977 Code, § 9-601, modified)

15-602. **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. (1977 Code, § 9-602)

15-603. **Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for
impounding a vehicle shall be five dollars ($5.00) and a storage cost of one dollar ($1.00) per day shall also be charged. (1977 Code, § 9-604)

15-604. **Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) **Traffic citations.** Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense. (2) **Parking citations.**

(a) **Parking meter.** If the offense is a parking meter violation, the offender may, within thirty (30) 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 thirty (30) days but before a warrant for his arrest is issued, his fine shall be ten dollars ($10.00).

(b) **Other parking violations excluding handicapped parking.** For other parking violations, excluding handicapped parking violations, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the city recorder a fine of ten dollars ($10.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days but before a warrant is issued for his arrest, his civil penalty shall be twenty-five dollars ($25.00).

(c) **Handicapped parking.** Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars ($100.00).
CHAPTER 7

INOPERATIVE MOTOR VEHICLES

SECTION
15-701. Declaration of purpose.
15-702. Storage on private property restricted.
15-703. Removal required.
15-704. Notice to remove.
15-705. Refusal to remove.
15-707. Entry to remove; removal by owner.

15-701. Declaration of purpose. In enacting this chapter, the council finds and declares that the accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles, on private property, which motor vehicles are in the nature of rubbish and unsightly debris, violates, in many instance detrimental to the healthy, safety, and welfare of the community in that such conditions tend to interfere with the enjoyment of and reduce the value of private property; invite plundering, create fire hazards and other safety and health hazards to minors as well as adults, interfere with the comfort and well being of the public and create, extend, and aggravate urban blight, and that the public health, safety, and general welfare require that such conditions be regulated, abated, and prohibited. (Ord. # 267-A, April 1990)

15-702. Storage on private property restricted. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed motor vehicle of any kind, for a period in excess of 30 days, when such vehicle is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city unless the same is completely enclosed within a building or unless it is in connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the operation of such business enterprise. (Ord. # 267-A, April 1990)

15-703. Removal required. The accumulation and storage of one or more such motor vehicle in violation of the provisions of this chapter shall constitute rubbish and debris and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the city. It shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located, whether as owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building or behind a sight obscuring screen to the public. (Ord. # 267-A, April 1990)
15-704. Notice to remove. Whenever there is reasonable grounds to believe that a violation of the provisions of this chapter exists, the city manager shall give, or cause to be given, written notice to the registered owner of any motor vehicle which is in violation of this chapter, or shall give such notice to the owner or person in lawful possession or control of the private property upon which such motor vehicle is located, or shall give such notice to both the registered owner and to the owner or person in lawful possession or control of such private property that said motor vehicle violates the provisions of this chapter, and demand that said motor vehicle be removed to a place of lawful storage within 30 days, or that within 30 days, the same be housed in a building where it will not be visible or behind sight obscuring screen to the public. Service of such notice shall be by mail duly posted, return receipt required. (Ord. # 267-A, April 1990)

15-705. Refusal to remove. Any person who fails, neglects, or refuses to remove the abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle or house the same and abate said nuisance in accordance with the notice as provided herein, shall be in violation of the provisions of this chapter and any person found to be in violation of chapter shall be guilty of a misdemeanor and subject to a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00) upon conviction of said offense in the City of Collegedale Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. # 267-A, April 1990)

15-706. Removal by city. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of any motor vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which the same is located shall fail, neglect, or refuse to remove or house such abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of this chapter, the city manager may remove and dispose of such motor vehicle in the manner provided for by chapter 16 of title 55, Tennessee Code Annotated, particularly section 55-16-103, 55-16-104, and 55-16-106. he may therefore maintain an action in the name of the city, in the appropriate court, against any person or persons upon whom notice was served as required by this chapter to recover the costs of removing and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such costs. (Ord. # 267-A, April 1990)

15-707. Entry to remove; removal by owner. The city manager, code enforcement officer, chief of police, any regularly employed and salaried officer of the police department of the city, contracting agents, and authorized officers,
employees, and agents of the City of Collegedale and each of them, are hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose and to remove any motor vehicle in accordance with the provision of this chapter. Any person to whom notice was given pursuant to this chapter shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the city manager, codes enforcement officer or his authorized representatives for the purpose of removal. (Ord. # 267-A, April 1990)
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 regulated.
16-111. Operation of trains at crossings regulated.
16-112. Animals and vehicles on sidewalks.
16-113. Fires in streets, etc.
16-114. Street numbering.
16-115. Skateboards prohibited.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1977 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1977 Code, § 12-202)
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. (1977 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1977 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city manager after a finding that no hazard will be created by such banner or sign. (1977 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1977 Code, § 12-206)

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. (1977 Code, § 12-207)

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. (1977 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1977 Code, § 12-209)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

¹Municipal code reference
Building code: title 12, chapter 1.
securing a permit from the city manager. No permit shall be issued by the manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1977 Code, § 12-210)

16-111. **Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1977 Code, § 12-211)

16-112. **Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1977 Code, § 12-212)

16-113. **Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1977 Code, § 12-213)

16-114. **Street numbering.** (1) (a) It shall be the duty of the owners, occupant or lessee of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number such buildings with numerals not less than three and one-half inches in height, or of such contrasting color and so located as to be readily visible from the street in daylight or when a light is shined upon it at night.

(b) The building department of the city shall on all building permits for new residences, building structures or places of business, excepting sheds and accessory buildings provide an address number as assigned by the Hamilton County Planning Commission. On building permits other than new construction the building department shall insure that the address listed thereon is correct as assigned by the Hamilton County Planning Commission.

(c) If the owner, occupant or lessee of any building shall fail, refuse, or neglect to post the number as required or replace it when necessary the City of Collegedale shall cause a written notice to be served on such person directing that the number be properly posted or replaced.
Any such person not complying with said notice within ten days after receipt thereof shall be deemed to be in violation of this chapter.

(d) Any person found guilty of violating any of the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars.

(2) The owners, occupants or lessees shall number said dwellings, apartment houses, hotels, commercial establishments, and other buildings in accordance with the provisions of this chapter within sixty (60) days after passage and publication.

(3) Sixty days after the passage of this chapter all incorrect house numbers shall be removed and the correct number substituted; and it shall be the duty of the building official to notify the owners or occupants who fail to comply with the provisions of this chapter, and if not corrected within two weeks from such notification the parties shall be deemed to be in violation of this chapter. (Ord. # 274, June 1990)

16-115. Skateboards prohibited. It shall be unlawful for any person to ride or operate a skateboard upon any public street. (Ord. # 220, Oct. 1987)
CHAPTER 2
EXCAVATIONS

SECTION
16-201. Permit required.
16-203. Fee.
16-204. Deposit or bond.
16-205. Safety restrictions on excavations.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the city 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

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1State law reference
This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).
to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1977 Code, § 12-102)

16-203. **Fee.** The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit. (1977 Code, § 12-103)

16-204. **Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the city 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 city 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 city manager a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1977 Code, § 12-104)

16-205. **Safety restrictions on excavations.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1977 Code, § 12-105)

16-206. **Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city recorder shall give notice to the person, firm, corporation, association, or others
that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1977 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $130,000 for each person and $350,000 for each accident, and for property damages not less than $50,000 for any one (1) accident, and a $75,000 aggregate. (1977 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (1977 Code, § 12-108)

16-209. Supervision. The person designated by the board of mayor and aldermen 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. (1977 Code, § 12-109)

16-210. Curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk, public street, alley, or other public place without first obtaining a permit from the manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall
exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1977 Code, § 12-110)
CHAPTER 3

ISSUANCE OF LICENSES, PERMITS AND/OR AUTHORIZATIONS

SECTION
16-301. Rights-of-way excavation permit.
16-302. Application.
16-303. Right(s)-of-way excavation permit fees.
16-304. Requirement of surety bond or cash deposit.
16-305. Manner of excavating - protection of traffic and pedestrians.
16-306. Removal and protection of utilities.
16-308. Excavated material.
16-309. Clean-up.
16-310. Restoration of surface.
16-311. Prompt completion of work.
16-312. Emergency action.
16-313. Inspections.
16-314. Liability of city.
16-315. Insurance.
16-316. Penalty.
16-317. Applicability to public utilities.

16-301. Rights-of-way excavation permit. (1) It shall be unlawful for any person to dig, break, excavate, tunnel, undermine, or in any manner damage any area located within the limits of the City of Collegedale's right-of-way, including but not limited to pavement, storm drainage way, shoulder, curb, sidewalk, traffic control device, public utility easement bridge, access ramp, that portion of any private driveway in the street right(s)-of-way, or other parts of a city right(s)-of-way (all hereinafter referred to as "city rights-of-way" in this chapter), or to make or cause to be made any excavation in or under the surface of any city right(s)-of-way for any purpose or to place, deposit, or leave upon any city right(s)-of-way any earth or excavation material obstructing or tending to interfere with the use of same, unless such person shall first have obtained a right(s)-of-way excavation permit therefor from the city engineer, or designee, as herein provided.

(2) Notwithstanding subsection (1) above, construction of utility service lines from the main utility line to serve a utility customer shall not require an excavation permit unless a sidewalk, curb or the paved portion of a street is disturbed.

(3) Notwithstanding subsection (2) above, all excavation work done within the city right(s)-of-way must meet the requirements set forth by this in this ordinance, and the requirements set forth in the right-of-way permit. If a utility or contractor fails to meet the requirements set forth and do not correct
the deficiencies expeditiously, the utility or contractor will be in violation of this ordinance and subject to the penalty set forth herein. (as added by Ord. #1028, April 2017)

16-302. Application. No right(s)-of-way excavation permit shall be issued unless a written application is submitted to the city. The application shall be accompanied by plans or drawings as deemed necessary by the city. The city engineer shall have the authority to waive the filing of detailed plans and drawings if the excavation project is of such a small scale that the city engineer determines that such drawings or plans are not necessary. (as added by Ord. #1028, April 2017)

16-303. Right(s)-of-way excavation permit fees. A permit fee shall be paid by the applicant to the city for the issuance of a right(s)-of-way excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The right(s)-of-way excavation permits shall be fifty dollars ($50.00) each. If work begins without first obtaining a permit, the permit fee shall be doubled. (as added by Ord. #1028, April 2017)

16-304. Requirement of surety bond or cash deposit. (1) Before a right(s)-of-way excavation permit is issued, the applicant shall deposit with the city a surety bond, letter of credit, or surety agreement in a form payable to the city. Surety bonds and letters of credit shall be submitted to the city pursuant to subsection (7) herein. The limit of the surety agreement shall be determined by the engineering and public works departments. The required surety bond or letter of credit must be issued by an insurance company or bank licensed and authorized to transact business in the State of Tennessee and shall be conditioned upon the permittee's compliance with this ordinance and the right(s)-of-way excavation agreement, and shall secure and hold the city and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the right(s)-of-way excavation permit by reason of any accident or injury to persons or property, trespass, or inverse condemnation through the fault of the permittee, or subcontractor(s), and further conditioned to require permittee to refill, restore and replace in good and safe condition as near as may be to its original condition and conformity with approved plans, to the satisfaction of the city engineer and director of public works; to restore all openings and excavations made in city right(s)-of-way, and to maintain the city right(s)-of-way where excavation is made in good condition for the period of twelve (12) months after said work shall have been approved in writing by the city, ordinary wear and tear excepted. The twelve (12) month period for maintenance will renew and start over with any repair of any portion of the excavation site. Any settlement of the surface within the one (1) year period shall be deemed conclusive evidence of defective back-filling by the permittee. The city may rely upon the information furnished
by the permittee and it shall be no defense to a claim by the city against permittee or surety that the city made an error in issuing the right(s)-of-way excavation permit.

(2) Recovery on a right(s)-of-way bond, letter of credit, or surety agreement for any claim shall not extinguish same, but it shall in its entirety be available for all subsequent claims during the excavation for which it was given, plus maintenance of the excavation for which it was given, plus maintenance of the excavation site as required by this chapter and the right(s)-of-way excavation agreement. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city giving written notice to permittee and surety of such suit or claim, the permittee and surety shall hold the city harmless and indemnify the city for all expenses, including reasonable attorney's fees and costs.

(3) Any annual bond, letter of credit, or surety agreement given under this provision shall remain in force for one (1) year plus the one (1) year maintenance period, conditioned as above, in the amount specified in subsection (7) herein, which is based on the permittee's anticipated work for one (1) year and shall be applicable to all excavation in any city right(s)-of-way.

(4) In lieu of a corporate surety bond, letter of credit, or surety agreement required above, the application may be accompanied with a cash deposit or cashier's check, made payable to the City of Collegedale for deposit. The amount shall be determined by the city engineer and director of public works.

(5) Any special or general deposit made hereunder shall serve as security for the repair and performance of work necessary to put the city right(s)-of-way in as good a condition as it was prior to the excavation and in conformity with approved plans. If the permittee fails to make the necessary repairs or complete excavation within the time specified in the permit, the city may proceed to complete same and charge the expense to the permittee and surety as provided in subsection (6) below.

(6) The city may use any or all of any deposit, letter of credit, or bond to pay the cost of any work the city performs to restore or maintain the city right(s)-of-way in the event the permittee fails to perform such work as provided in the right(s)-of-way excavation agreement or this chapter. If the permittee exposes the public to danger and fails to promptly correct same after notice (should the permittee not be readily available, the notice requirement is waived), the city may take steps deemed necessary in the sole discretion of the city to correct a dangerous situation which is a threat to public safety and charge same to permittee and surety. Once an excavation is started, it must be completed expeditiously. In the event an excavation is not pursued expeditiously after started, or is not completed within the time specified in the permit or any extension, or is abandoned, or the area is not properly restored or maintained, the city may give the permittee seven days' notice of the deficiency. If corrective action is not initiated within said seven days or any extension thereof granted
by the city engineer and director of public works, the city may perform the necessary work and charge same to permittee and surety. Prior notice to the surety is waived. Any permittee or surety aggrieved by any action of the city under this article is entitled to a due process hearing before the city manager upon written notice filed with the city recorder within ten (10) days of the event giving rise to the complaint. When the city uses its own employees to repair a street, shoulder, sidewalk, storm drainage ditch, or public utility that should have been repaired by a permit holder, the permit holder must reimburse the city at the rate of one hundred fifty percent (150%) of actual costs of the city. "Actual costs" are defined as employees' actual wages and benefits, with benefits calculated at thirty percent (30%) of wages; rental value of equipment, signs and barricades in accordance with a uniform schedule; cost of all materials; and, any outside costs.

(7) The bond will be based on a reasonable estimate as determined by the city engineer and director of public works. (as added by Ord. #1028, April 2017)

16-305. Manner of excavating-protection of traffic and pedestrians. Any person making any excavation or tunnel in a city right(s)-of-way shall do so according to the terms and conditions of this article, the application, right(s)-of-way excavation agreement, applicable government regulations and codes, and the right(s)-of-way excavation permit. Barricades, signage, and lights shall be maintained in accordance with the Manual of Uniform Traffic Control Devices to protect persons and property from injury because of the excavation. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed to provide for safe travel for pedestrians. The permittee shall construct and maintain adequate and safe crossings over excavations and highways to accommodate vehicular and pedestrian traffic. Vehicular and pedestrian crossings shall be constructed and maintained in accordance with applicable policies, rules, regulations, and ordinances of the city and other applicable government agencies. (as added by Ord. #1028, April 2017)

16-306. Removal and protection of utilities. The permittee shall not interfere with any existing utility without the written consent of the city engineer and the owner of the utility. If it becomes necessary to remove an existing utility, such removal or relocation shall be performed by the owner of such utility at the expense of the permittee. The permittee shall support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, the permittee must give prompt notice to the utility owning same. The repairs, shall be by the utility owner at the expense of the permittee or surety. The permittee shall be responsible for any damage to any public or private property. The permittee shall inform itself as to the
existence and location of all-utilities before excavation and protect same against damage. The bond, letter of credit, or surety deposit shall be available to pay any expense associated with utility damage or damage to the property of another. (as added by Ord. #1028, April 2017)

16-307. Protection of adjoining property. The permittee shall at all times at the permittee's expense preserve and protect from injury adjoining property by providing proper lateral support, and other measures suitable for the purpose. Where it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain permission for such entry from the owner of such private property. All construction and maintenance work shall be performed in a manner calculated to leave the lawn, storm drainage ditch, and other areas clean of earth and debris, and in a condition as nearly as possible to that which existed before such work began and approved by the city engineer and director of public works. (as added by Ord. #1028, April 2017)

16-308. Excavated material. All material excavated from trenches and stored adjacent to the trench or in any city right(s)-of-way shall be stored and maintained in such a manner as not to endanger those working in the trench, pedestrians or motorist, and so that as little inconvenience as reasonably possible is caused to those using streets, sidewalks, and adjoining property. The material shall not be stored in a drainage way. Where the confines of the area being excavated are too narrow to permit storing excavated material beside the trench, the city engineer shall have the authority to require the permittee to haul the excavated material to a storage site. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all storage and disposal sites. (as added by Ord. #1028, April 2017)

16-309. Clean-up. As the excavation work progresses, all city right(s)-of-way and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from excavation. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city engineer and director of public works. From time to time as may be ordered by the city engineer or director of public works, and in any event immediately after completion of said work, the permittee shall, at the permittee's expense, clean-up and remove all refuse and unused material of any kind resulting from said work. Notice to the surety is waived. Upon failure to do so within five (5) days after notification to permittee, said work may be performed by the city and the cost thereof charged to the permittee, and surety. The five (5) days' notice may be reduced when circumstances reasonably dictate less time, in the sole discretion of the city engineer, or designee. (as added by Ord. #1028, April 2017)
16-310. Restoration of surface. The permittee shall restore the surface of any city right(s)-of-way damaged as a result of the excavation work to its original or better condition and in accordance with the specifications from plans approved by the city engineer or director of public works. Noncompliance may jeopardize the permittee’s future application for a permit and/or alter the requirements of future permits. (as added by Ord. #1028, April 2017)

16-311. Prompt completion of work. The permittee shall prosecute with diligence and expedition all excavation work covered by the right(s)-of-way excavation permit and shall promptly complete such work after initiation. Permittee shall promptly restore the city right(s)-of-way and, in any event, not later than the date specified in the right(s)-of-way excavation permit. (as added by Ord. #1028, April 2017)

16-312. Emergency action. In the event of any emergency in which a sewer, water main, electric conduit, gas line or other utility is damaged or breaks and causes imminent danger to the property, life, health, or safety of any individual, the person owning or controlling the damaged utility shall immediately take proper emergency measures to cure or remedy the dangerous condition without applying for and obtaining a right(s)-of-way excavation permit hereunder. However, such utility shall apply for a right(s)-of-way excavation permit not later than the end of the next succeeding business day during which the city is open for business and shall not proceed with permanent repairs without first obtaining a right(s)-of-way excavation permit hereunder. (as added by Ord. #1028, April 2017)

16-312. Inspections. The city engineer or director of public works shall make such inspections as are reasonably necessary for enforcement of this article. The city shall have the authority to promulgate and cause to be in force such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. The city engineer, public works director or designee shall have the authority to enforce the rules a regulations set forth in this ordinance, and the requirements set forth in the in the right-of-way permit. After a second failed inspection, a fifty dollar ($50.00) re-inspect fee will be assessed. This fee must be paid prior to any re-inspections performed. (as added by Ord. #1028, April 2017)

16-313. Liability of city. This article shall not be construed as imposing upon the city, city officials, or employees any liability for damages to any person injured by the performance of any excavation work for which a right(s)-of-way excavation permit is issued hereunder; nor shall the city, city officials, or employees be deemed to have assumed any such liability, or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. (as added by Ord. #1028, April 2017)
16-314. **Insurance.** In addition to all other requirements, each person applying for a right(s)-of-way excavation permit shall file a certificate of insurance indicating that the applicant is insured against claims for damages for personal injury and property damage which may arise from or out of the performance of the work, whether such performance by the applicant, subcontractor, or anyone directly or indirectly employed by the applicant. Such insurance shall cover collapse, explosive hazards, and work in a public street right(s)-of-way, and shall include protection against liability arising from completed operations. The insurance limits shall be prescribed by the city in accordance with the nature of the risk; provided, however, the liability insurance limits for bodily injury shall not be in an amount less than five hundred thousand dollars ($500,000.00) for each person and five hundred thousand dollars ($500,000.00) for each accident and for property damages an amount not less than one hundred thousand dollars ($100,000.00). Notwithstanding the foregoing, a governmental agency or municipal corporation that is self-insured is exempt from this provision. (as added by Ord. #1028, April 2017)

16-315. **Penalty.** Any person, firm, corporation, public or private utility violating any provision of this chapter shall, upon a finding of a violation, be subjected to an administrative hearing penalty of up to five hundred dollars ($500.00) for each offense; and a separate offense shall be deemed committed each day during which a violation occurs or continues. (as added by Ord. #1028, April 2017)

16-316. **Applicability to public utilities.** Eastside Utility District, Hamilton County Water and Wastewater Treatment Authority, the Electric Power Board are required to make application for permits under this chapter, but payment of permit fees and posting of bonds or cash deposits are hereby waived. (as added by Ord. #1028, April 2017)
CHAPTER 1

REFUSE

SECTION

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1977 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1977 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse
container until such refuse has been drained of all free liquids. (1977 Code, § 8-103)

17-104. **Location of containers.** Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the public sidewalk, or ditch or street line if there is no curb, no earlier than after sundown, the night before the calendar day scheduled for the collection of refuse therefrom. By the end of the calendar day of collection, after such containers have been emptied, the containers shall be moved by the owner or occupant of the premises to a place on the premises behind the front building line. (1977 Code, § 8-104, as replaced by Ord. #317, § 1, Nov. 1994)

17-105. **Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1977 Code, § 8-105)

17-106. **Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of commissioners shall designate. Collections shall be made regularly in accordance with an announced schedule. (1977 Code, § 8-106)

17-107. **Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1977 Code, § 8-107)

17-108. **Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of commissioners is expressly prohibited. (1977 Code, § 8-108)

17-109. **Placement of brush and/or refuse.** Brush and/or refuse, not suitable for collection from cans or similar containers, shall not be placed out for collection earlier than the weekend immediately prior to the scheduled date of collection thereof at a location consistent with section 17-104. (as added by Ord. #317, § 2, Nov. 1994)
17-110. **Violations and penalty.** Violations of this chapter shall subject the offender to a penalty of up to one hundred dollars ($100.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #317, § 3, Nov. 1994)
CHAPTER 1

ELECTRICITY

SECTION 19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished, for the city and its inhabitants under such franchise as the board of commissioners shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1977 Code, § 13-301)
CHAPTER 2

GAS

SECTION 19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the city and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1977 Code, § 13-401)

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1 Municipal code reference
   Plumbing and gas codes: title 4.
CHAPTER 1

TELEPHONE SERVICE

SECTION 20-101. Franchise for telephone lines.

20-101. Franchise for telephone lines. The City of Collegedale grants a franchise for a telephone system to be established within the corporate limits for the purpose of erecting, constructing, maintaining and operating lines for telephone service. (1977 Code, § 13-201)
CHAPTER 2

TITLE VI COMPLIANCE MANUAL

SECTION
20-201. Title VI Compliance Manual adopted.

20-201. Title VI Compliance Manual adopted. The Title VI Compliance Manual for the City of Collegedale is hereby adopted in its entirety by reference. (as added by Ord. #573, March 2003)

20-202. Policy statement. The following statement shall be deemed as the City of Collegedale's Title VI policy statement: "It is the policy of the City of Collegedale to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #573, March 2003)

\^The Title VI Compliance Manual is of record in the office of the city recorder.
CHAPTER 3

OFFICE OF ADMINISTRATIVE HEARING OFFICER

SECTION
20-301. Municipal administrative hearing officer.
20-302. Communication by administrative hearing officer and parties.
20-303. Appearance by parties and/or counsel.
20-304. Pre-hearing conferences and orders.
20-305. Appointment of administrative hearing officer/administrative law judge.
20-308. Review of citations - levy of fines.
20-310. Petitions for intervention.
20-311. Regulating course of proceedings - hearing open to public.
20-312. Evidence and affidavits.
20-313. Rendering of final order.
20-314. Final order effective date.
20-316. Judicial review of final order.

20-301. Municipal administrative hearing officer. (1) In accordance with title 6, chapter 54, section 1001, et seq., of the Tennessee Code Annotated, there is hereby created the Collegedale Municipal Office of Administrative Hearing Officer to hear violations of any of the provisions codified in the Collegedale Municipal Code relating to building and property maintenance including:

(a) Building codes adopted by the City of Collegedale;
(b) All residential codes adopted by the City of Collegedale;
(c) All plumbing codes adopted by the City of Collegedale;
(d) All electrical codes adopted by the City of Collegedale;
(e) All gas codes adopted by the City of Collegedale;
(f) All mechanical codes adopted by the City of Collegedale;
(g) All energy codes adopted by the City of Collegedale;
(h) All property maintenance codes adopted by the City of Collegedale; and
(i) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violation of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated, § 68-120-101(a) enforced by deputy building inspector pursuant to Tennessee Code Annotated, § 68-120-101(f).
The utilization of the administrative hearing officer shall be at the discretion of the city manager and/or the city manager's designee, the chief building official of the City of Collegedale, and shall be an alternative to the enforcement included in the Collegedale Municipal Code.

(2) There is hereby created one (1) administrative hearing officer position to be appointed by the city commission pursuant to § 20-305 below.

(3) The amount of compensation for the administrative hearing officer shall be approved by the city commission.

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in title 6, chapter 54, section 1001, et seq., of the Tennessee Code Annotated. (as added by Ord. #787, Dec. 2011)

20-302. Communication by administrative hearing officer and parties.

(1) Unless required for the disposition of ex parte matters specifically authorized by statute, an administrative hearing officer presiding over a contested case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.

(2) Notwithstanding subsection (1), an administrative hearing officer may communicate with municipal employees or officials regarding a matter pending before the administrative body or may receive aid from staff assistants, members of the staff of the city attorney or a licensed attorney, if such persons do not receive ex parte communications of a type that the administrative hearing officer would be prohibited from receiving, and do not furnish, augment, diminish or modify the evidence in the record.

(3) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as an administrative hearing officer without notice and opportunity for all parties to participate in the communication.

(4) If, before serving as an administrative hearing officer in a contested case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5).

(5) An administrative hearing officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and shall advise all
parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) business days after notice of the communication. (as added by Ord. #787, Dec. 2011)

20-303. Appearance by parties and/or counsel. (1) Any party may participate in the hearing in person or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party’s own expense by counsel or, unless prohibited by any provision of law, other representative. (as added by Ord. #787, Dec. 2011)

20-304. Pre-hearing conference and orders. (1) (a) In any action set for hearing, the administrative hearing officer, upon the administrative hearing officer's own motion, or upon motion of one (1) of the parties or such party’s qualified representatives, may direct the parties or the attorneys for the parties, or both, to appear before the administrative hearing officer for a conference to consider:

(i) The simplification of issues;
(ii) The possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
(iii) The limitation of the number of witnesses; and
(iv) Such other matters as may aid in the disposition of the action.

(b) The administrative hearing officer shall make an order that recites the action taken at the conference, and the agreements made by the parties as to any of the matters considered, and that limits the issues for hearing to those not disposed of by admissions or agreements of the parties. Such order when entered controls the subsequent course of the action, unless modified at the hearing to prevent manifest injustice.

(2) Upon reasonable notice to all parties, the administrative hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the administrative hearing officer sitting alone, to consider argument or evidence, or both, on any question of law.

(3) In the discretion of the administrative hearing officer, all or part of the pre-hearing conference may be conducted by telephone, television or other electronic means, if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(4) If a pre-hearing conference is not held, the administrative hearing officer may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings. (as added by Ord. #787, Dec. 2011)
20-305. **Appointment of administrative hearing officer/administrative law judge.** (1) The administrative hearing officer shall be appointed by the city commission for a four (4) year term and serve at the pleasure of the city commission. Such administrative hearing officer may be reappointed.

(2) An administrative hearing officer shall be one (1) of the following:
   (a) Licensed building inspector;
   (b) Licensed plumbing inspector;
   (c) Licensed electrical inspector;
   (d) Licensed attorney;
   (e) Licensed architect;
   (f) Licensed engineer; or

(3) The city may also contract with the administrative procedures division, office of the Tennessee Secretary of State to employ an administrative law judge on a temporary basis to serve as an administrative hearing officer. Such administrative law judge shall not be subject to the requirements of subsections 6-54-1007(a) and (b). (as added by Ord. #787, Dec. 2011)

20-306. **Training and continuing education.** (1) Each person appointed to serve as an administrative hearing officer shall, within the six (6) month period immediately following the date of such appointment, participate in a program of training conducted by the University of Tennessee's Municipal Technical Advisory Service, referred to in this part as MTAS. MTAS shall issue a certificate of participation to each person whose attendance is satisfactory. The curricula for the initial training shall be developed by MTAS with input from the administrative procedures division, office of the Tennessee Secretary of State. MTAS shall offer this program of training no less than twice per calendar year.

(2) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. MTAS develop the continuing education curricula and offer that curricula for credit no less than twice per calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this part. No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(3) MTAS has the authority to set and enact appropriate fees for the requirements of this section. The city shall bear the cost of the fees for administrative hearing officer serving the city.

(4) Costs pursuant to this section shall be offset by fees enacted. (as added by Ord. #787, Dec. 2011)

20-307. **Citations for violations-written notice.** (1) Upon the issuance of a citation for violation of a municipal ordinance referenced in the city's administrative hearing ordinance, the issuing officer shall provide written notice of:
(a) A short and plain statement of the matters asserted. If the issuing officer is unable to state the matters in detail at the time the citation is served, the initial notice may be limited to a statement of the issues involved and the ordinance violations alleged. Thereafter, upon timely, written application a more definite and detailed statement shall be furnished ten (10) business days prior to the time set for the hearing;

(b) A short and plain description of the city's administrative hearing process including references to state and local statutory authority;

(c) Contact information for the city's administrative hearing office; and

(d) Time frame in which the hearing officer will review the citation and determine the fine and remedial period, if any.

(2) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be signed by the alleged violator at the time of issuance. If an alleged violator refuses to sign, the issuing officer shall note the refusal and attest to the alleged violator's receipt of the citation. An alleged violator's signature on a citation is not admission of guilt.

(3) Citations issued upon absentee property owners may be served via certified mail sent to the last known address of the recorded owner of the property.

(4) Citations issued for violations of ordinances referenced in the city's administrative hearing ordinance shall be transmitted to an administrative hearing officer within two (2) business days of issuance. (as added by Ord. #787, Dec. 2011)

20-308. Review of citation - levy of fines. (1) Upon receipt of a citation issued pursuant to § 20-307, an administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator in accordance with this section. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.

(a) For violations occurring upon residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation. For purposes of this part, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.

(b) For violations occurring upon non-residential property a hearing officer has the authority to levy a fine upon the violator not to exceed five hundred dollars ($500.00) per violation per day. For purposes of this part, "non-residential property" means all real property, structures, buildings and dwellings that are not residential property.
If a fine is levied pursuant to subsection (1), the hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the fine is imposed. The remedial period shall be no less than ten (10) nor greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.

Upon the levy of a fine pursuant to subsection (1), the hearing officer shall within seven (7) business days, provide via certified mail notice to the alleged violator of:

(a) The fine and remedial period established pursuant to subsections (1) and (2);
(b) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and
(c) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.

The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the hearing officer within seven (7) business days of receipt of the notice required in subsection (3).

If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the fine levied pursuant to subsection (1) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled. (as added by Ord. #787, Dec. 2011)

20-309. Party in default. (1) If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative hearing officer may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(2) If the proceedings are conducted without the participation of the party in default, the administrative hearing officer shall include in the final order a written notice of default and a written statement of the grounds for the default. (as added by Ord. #787, Dec. 2011)

20-310. Petitions for intervention. (1) The administrative hearing officer shall grant one (1) or more petitions for intervention if:

(a) The petition is submitted in writing to the administrative hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) business days before the hearing;
(b) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(c) The administrative hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(2) If a petitioner qualifies for intervention, the administrative hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
(b) Limiting the intervenor's participation so as to promote the orderly and prompt conduct of the proceedings; and
(c) Requiring two (2) or more intervenors to combine their participation in the proceedings.

(3) The administrative hearing officer, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative hearing officer may modify the order at any time, stating the reasons for the modification. The administrative hearing officer shall promptly give notice of an order granting, denying or modifying intervention to the petitioner for intervention and to all parties. (as added by Ord. #787, Dec. 2011)

20-311. Regulating course of proceedings - hearing open to public.

(1) The administrative hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the administrative hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the pre-hearing order.

(3) In the discretion of the administrative hearing officer and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

(4) The hearing shall be open to public observation pursuant to title 8, chapter 44 of the Tennessee Code Annotated, unless otherwise provided by state or federal law. To the extent that a hearing is conducted by telephone, television or other electronic means, the availability of public observation shall
be satisfied by giving members of the public an opportunity, at reasonable times, to hear the tape recording and to inspect any transcript produced, if any. (as added by Ord. #787, Dec. 2011)

20-312. Evidence and affidavits. (1) In administrative hearings:

(a) The administrative hearing officer shall admit and give probative effect to evidence admissible in a court, and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The administrative hearing officer shall give effect to the rules of privilege recognized by law and to statutes protecting the confidentiality of certain records, and shall exclude evidence which in his or her judgment is irrelevant, immaterial or unduly repetitious;

(b) At any time not less than ten (10) business days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit such party proposes to introduce in evidence, together with a notice in the form provided in subsection (2). Unless the opposing party, within seven (7) business days after delivery, delivers to the proponent a request to cross-examine an affiant, the opposing party's right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as provided in this subdivision (b), the affidavit shall not be admitted into evidence. "Delivery," for purposes of this section, means actual receipt;

(c) The administrative hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

(d) Documentory evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the municipality. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available; and

(e) (i) Official notice may be taken of:

(A) Any fact that could be judicially noticed in the courts of this state;

(B) The record of other proceedings before the agency; or

(C) Technical or scientific matters within the administrative hearing officer's specialized knowledge; and

(ii) Parties must be notified before or during the hearing, or before the issuance of any final order that is based in whole or in part on facts or material notice, of the specific facts or material
noticed and the source thereof, including any staff memoranda and
data, and be afforded an opportunity to contest and rebut the facts
or material so noticed.

(2) The notice referred to in subdivision (b) shall contain the following
information and be substantially in the following form:

The accompanying affidavit of _________ (here insert name of
affiant) will be introduced as evidence at the hearing in _________
(here insert title of proceeding). _________ (here insert name of
affiant) will not be called to testify orally and you will not be
entitled to question such affiant unless you notify _________ (here
insert name of the proponent or the proponent's attorney) at
___________ (here insert address) that you wish to cross-examine
such affiant. To be effective, your request must be mailed or
delivered to _________ (here insert name of proponent or the
proponent's attorney) on or before _________ (here insert a date
seven (7) business days after the date of mailing or delivering the
affidavit to the opposing party). (as added by Ord. #787, Dec. 2011)

20-313. Rendering of final order. (1) An administrative hearing officer
shall render a final order in all cases brought before his or her body.

(2) A final order shall include conclusions of law, the policy reasons
therefor, and findings of fact for all aspects of the order, including the remedy
prescribed. Findings of fact, if set forth in language that is no more than mere
repetition or paraphrase of the relevant provision of law, shall be accompanied
by a concise and explicit statement of the underlying facts of record to support
the findings. The final order must also include a statement of the available
procedures and time limits for seeking reconsideration or other administrative
relief and the time limits for seeking judicial review of the final order.

(3) Findings of fact shall be based exclusively upon the evidence of
record in the adjudicative proceeding and on matters officially noticed in that
proceeding. The administrative hearing officer's experience, technical
competence and specialized knowledge may be utilized in the evaluation of
evidence.

(4) If an individual serving or designated to serve as an administrative
hearing officer becomes unavailable, for any reason, before rendition of the final
order, a qualified substitute shall be appointed. The substitute shall use any
existing record and may conduct any further proceedings as is appropriate in the
interest of justice.

(5) The administrative hearing officer may allow the parties a
designated amount of time after conclusion of the hearing for the submission of
proposed findings.

(6) A final order rendered pursuant to subsection (1) shall be rendered
in writing within seven (7) business days after conclusion of the hearing or after
submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(7) The administrative hearing officer shall cause copies of the final order under subsection (1) to be delivered to each party. (as added by Ord. #787, Dec. 2011)

20-314. Final order effective date. (1) All final orders shall state when the order is entered and effective.

(2) A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order. (as added by Ord. #787, Dec. 2011)

20-315. Collection of fines, judgments and debts. The city may collect a fine levied pursuant to this section by any legal means available to a municipality to collect any other fine, judgment or debt. (as added by Ord. #787, Dec. 2011)

20-316. Judicial review of final order. (1) A person who is aggrieved by a final decision in a contested case is entitled to judicial review under this chapter, which shall be the only available method of judicial review.

(2) Proceedings for judicial review of a final order are instituted by filing a petition for review in the chancery court in the county where the municipality lies. Such petition must be filed within sixty (60) calendar days after the entry of the final order that is the subject of the review.

(3) The filing of the petition for review does not itself stay enforcement of the final order. The reviewing court may order a stay on appropriate terms, but if it is shown to the satisfaction of the reviewing court, in a hearing that shall be held within ten (10) business days of a request for hearing by either party, that any party or the public at large may suffer injury by reason of the granting of a stay, then no stay shall be granted until a good and sufficient bond, in an amount fixed and approved by the court, shall be given by the petitioner conditioned to indemnify the other persons who might be so injured and if no bond amount is sufficient, the stay shall be denied.

(4) Within forty-five (45) calendar days after service of the petition, or within further time allowed by the court, the administrative hearing officer shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all the parties of the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons
for failure to present it in the administrative proceeding, the court may order that the additional evidence be taken before the administrative hearing officer upon conditions determined by the court. The administrative hearing officer may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

(6) The procedure ordinarily followed in the reviewing court will be followed in the review of contested cases decided by the administrative hearing officer, except as otherwise provided in this chapter. The administrative hearing officer that issued the decision to be reviewed is not required to file a responsive pleading.

(7) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the administrative hearing officer, not shown in the record, proof thereon may be taken in the court.

(8) The court may affirm the decision of the administrative hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

(a) In violation of constitutional or statutory provisions;
(b) In excess of the statutory authority of the administrative hearing officer;
(c) Made upon unlawful procedure;
(d) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
(e) Unsupported by evidence that is both substantial and material in the light of the entire record. In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the administrative hearing officer as to the weight of the evidence on questions of fact.

(9) No administrative hearing decision pursuant to a hearing shall be reversed, remanded or modified by the reviewing court unless for errors that affect the merits of such decision.

(10) The reviewing court shall reduce its findings of fact and conclusions of law to writing and make them parts of the record. (as added by Ord. #787, Dec. 2011)

20-317. Appeal to court of appeals. (1) An aggrieved party may obtain a review of any final judgment of the chancery court under this chapter by appeal to the court of appeals of Tennessee.

(2) The record certified to the chancery court and the record in the chancery court shall constitute the record in an appeal. Evidence taken in court pursuant to title 24 shall become a part of the record.
(3) The procedure on appeal shall be governed by the Tennessee Rules of Appellate Procedure. (as added by Ord. #787, Dec. 2011)
Appendix A

Plan of Operation for the

Occupational Safety and Health Program

for the Employees of

The City of Collegedale
APPENDIX

A. OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN.

APPENDIX A

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF CITY OF COLLEDDEALE

<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PURPOSE AND COVERAGE</td>
<td>APP-4</td>
</tr>
<tr>
<td>II. DEFINITIONS</td>
<td>APP-5</td>
</tr>
<tr>
<td>III. EMPLOYER'S RIGHTS AND DUTIES</td>
<td>APP-7</td>
</tr>
<tr>
<td>IV. EMPLOYEE'S RIGHTS AND DUTIES</td>
<td>APP-7</td>
</tr>
<tr>
<td>V. ADMINISTRATION</td>
<td>APP-9</td>
</tr>
<tr>
<td>VI. STANDARDS AUTHORIZED</td>
<td>APP-10</td>
</tr>
<tr>
<td>VII. VARIANCE PROCEDURE</td>
<td>APP-10</td>
</tr>
<tr>
<td>VIII. RECORDKEEPING AND REPORTING</td>
<td>APP-12</td>
</tr>
<tr>
<td>IX. EMPLOYEE COMPLAINT PROCEDURE</td>
<td>APP-13</td>
</tr>
<tr>
<td>X. EDUCATION AND TRAINING</td>
<td>APP-14</td>
</tr>
<tr>
<td>XI. GENERAL INSPECTION PROCEDURES</td>
<td>APP-15</td>
</tr>
<tr>
<td>XII. IMMINENT DANGER PROCEDURES</td>
<td>APP-17</td>
</tr>
<tr>
<td>XIII. ABATEMENT ORDERS AND HEARINGS</td>
<td>APP-18</td>
</tr>
<tr>
<td>XIV. PENALTIES</td>
<td>APP-19</td>
</tr>
<tr>
<td>XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION</td>
<td>APP-19</td>
</tr>
</tbody>
</table>
XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED . APP-20

APPENDICES

I. ORGANIZATIONAL CHART ..................... APP-21
II. SAFETY AND HEALTH ORGANIZATIONAL CHART . APP-21
III. EMPLOYEE NOTIFICATION ..................... APP-22
IV. PROGRAM BUDGET ............................ APP-24
V. ACCIDENT REPORTING PROCEDURES ........... APP-25
I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Collegedale.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Board of Commissioners in electing to update and maintain an effective occupational safety and health program for its employees,

a. Provide a safe and healthful place and condition of employment.
b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints
concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

a. COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

b. EMPLOYER means the City of Collegedale and includes each administrative department, board, commission, division, or other agency of the City of Collegedale.

c. DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or DIRECTOR means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of City of Collegedale.

d. INSPECTOR(S) means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.

e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

g. PERSON means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee
Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.

k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:

1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or

2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

l. ACT or TOSHAct shall mean the Tennessee Occupational Safety and Health Act of 1972.

m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.

n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.
III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

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

b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.

e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.

f. Employer is entitled to protection of its legally privileged communication.

g. Employer shall inspect all worksites to insure the provisions of this program are compiled with and carried out.

h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued
pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHA Act or any standard or regulation promulgated under the Act.

c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.

g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.

h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for
the protection of the health or safety of others or when a medical
examination may be reasonably required for performance of a
specific job.
k. Employees shall report any accident, injury, or illness resulting
from their job, however minor it may seem to be, to their
supervisor or the Director within twenty-four (24) hours after the
occurrence.

V. ADMINISTRATION

a. The Director of Occupational Safety and Health is designated to
perform duties or to exercise powers assigned so as to administer
this Occupational Safety and Health Program.

1. The Director may designate person or persons as he deems
necessary to carry out his powers, duties, and
responsibilities under this program.

2. The Director may delegate the power to make inspections,
provided procedures employed are as effective as those
employed by the Director.

3. The Director shall employ measures to coordinate, to the
extent possible, activities of all departments to promote
efficiency and to minimize any inconveniences under this
program.

4. The Director may request qualified technical personnel from
any department or section of government to assist him in
making compliance inspections, accident investigations, or
as he may otherwise deem necessary and appropriate in
order to carry out his duties under this program.

5. The Director shall prepare the report to the Commissioner
of Labor and Workforce Development required by subsection
(g) of Section 1 of this plan.

6. The Director shall make or cause to be made periodic and
follow-up inspections of all facilities and worksites where
employees of this employer are employed. He shall make
recommendations to correct any hazards or exposures
observed. He shall make or cause to be made any
inspections required by complaints submitted by employees
or inspections requested by employees.

7. The Director shall assist any officials of the employer in the
investigation of occupational accidents or illnesses.

8. The Director shall maintain or cause to be maintained
records required under Section VIII of this plan.
9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.

1. The administration or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.

3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the
application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

a. The application for a variance shall be prepared in writing and shall contain:

1. A specification of the standard or portion thereof from which the variance is sought.
2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employees notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
1. The employer

   i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

   ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

   iii. Has as effective program for coming into compliance with the standard as quickly as possible.

2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

   a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

   b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.

   c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.
IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).

b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period of correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.

e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related
correspondence with the Director and the Chief Executive Officer or the representative of the governing body.

f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.

2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, writing technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including managers and supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury. (Such as falls, electrocution, crushing injuries (e.g. cave-ins), and being struck by material or equipment.)

2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure,
and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).

5. Instruct employees on hazards and dangers of confined or enclosed spaces.

   i. Confined or enclosed space means having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

   ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

   iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will
be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:

1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.

2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection
or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:

1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.

i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the
manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be deemed abated if:

i. The imminence of the danger has been eliminated by removal of employees from the area of danger.

ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Director and Chief Executive Officer immediately.

2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:

1. Issue an abatement order to the head of the worksite.

2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to violated.

2. A description of the nature and location of the violation.
3. A description of what is required to abate or correct the violation.
4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.
XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

__________________________________________________________
Director, Occupational Safety and Health                        Date
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX I

ORGANIZATIONAL CHART

{For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc., the address for the workplace, phone number at that workplace, and number of employees who work there.}

Public Works 13 employees
9769 Sandborn Drive
Collegedale, TN 37315
423-396-3135

City Hall 28 employees plus 8 police officers
4910 Swinyar Drive
Collegedale, TN 37315
423-396-3135

Airport 6 employees
5100 Bess Moore Drive
Collegedale, TN 37315
423-238-5008

TOTAL NO. EMPLOYEES: 47

{Once each work location has been listed, record the total number of employees that the city employs.}
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
APPENDIX III

NOTICE TO ALL EMPLOYEES OF City of Collegedale

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

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

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

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

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director or the Board of Commissioners.

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

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

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.
Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the director for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the City of Collegedale available for inspection by any employee at the building inspection department during regular office hours.

____________________________________
Signature Mayor                             Date
OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc. for program administration and support.
2. Office space and office supplies.
3. Safety and health educational materials and support for education and training.
4. Safety devices for personnel safety and health.
5. Equipment modifications.
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions.
10. Reserve fund for the program.
11. Contingencies and miscellaneous,

TOTAL ESTIMATED PROGRAM FUNDING:

ESTIMATE OF TOTAL BUDGET FOR:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Collegedale has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system.

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to the Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures related to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Court, Board of Directors, etc.)

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.

(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours
after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).
Since a Workers' Compensation Form C20 or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

**NOTE:** A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. (as added by Ord. #633, June 2006)
AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF COLLEDGEVILLE, TENNESSEE.

WHEREAS some of the ordinances of the City of Collegedale 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 Commissioners of the City of Collegedale, 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 "Collegedale Municipal Code," now therefore:

BE IT ORDAINED BY THE CITY OF COLLEDGEVILLE, AS FOLLOWS:

Section 1. Ordinance 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 "Collegedale 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 or said city's indebtedness; 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 ordinance 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, wherever in the municipal code, including codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than five-hundred dollars ($500.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty. Each day any violation of the municipal code continues shall constitute a separate offense.

Section 6. Code as evidence. Any printed code of the municipal code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

Section 7. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and alderman, 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 9. 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 10. 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 11. 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 the date.

Approved as to Form:

City Attorney

[Signature]
Mayor

City Recorder

September 20, 1993
Passed on First Reading

October 18, 1993
Passed on Second Reading

January 4, 1994
Passed on Third Reading