

**THE
CORNERSVILLE
MUNICIPAL
CODE**

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

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

May 1998

TOWN OF CORNERSVILLE, TENNESSEE

MAYOR

Mary Ann Peters

ALDERMEN

Kathi Calahan
John W. Kiser
Timothy Looney
Peggy Whitsett
Robert Whitehead

ADMINISTRATOR

Lynn Manning

RECORDER

Lynn Manning

PREFACE

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

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

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

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

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

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

(3) That the town agrees to 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 Sandy Selvage, the MTAS Sr. Word Processing Specialist, who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
TOWN CHARTER

SECTION 16. No bill shall become a law or ordinance without having been passed on three (3) separate readings on three (3) separate days by majority vote of the quorum of the Board. When not prohibited by State law, an ordinance may be amended on any reading.

All bills shall contain the following enacting clause: "Be it enacted by the Board of Mayor and Aldermen of the Town of Cornersville".

Ordinances shall be introduced in writing, and when passed, shall be signed by the Mayor and attested by the Recorder, and shall be incorporated in the minutes of the Board together with the full recitals of their introduction and passage, which minutes shall be a permanent record and kept for permanent inspection.

No ordinance shall take effect until its passage on third reading, and at such time provided in the ordinance. If it is an emergency ordinance, the ordinance shall state that an emergency exists and the circumstances and reasons for such emergency.

Prior to final passage, the ordinance or caption and summary thereof may be in a newspaper of general circulation in the Town, or in like manner the ordinance may be published after final passage, but such publication shall not be mandatory and ordinances duly passed shall be effective without publication.

A certified copy of the minutes, or portion of the minutes, showing the passage of the ordinance on final reading shall be full and sufficient evidence of the ordinance in all trials in any court of this state, the certificate to be made by the Recorder under the seal of the Town.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. VICE MAYOR.
4. ADMINISTRATOR.
5. RECORDER.
6. TREASURER.
7. TOWN ATTORNEY.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
1-102. Powers of the town.

1-101. Time and place of regular meetings. The Board of Mayor and Aldermen of the Town of Cornersville ("Board"), shall meet in regular session on the first Thursday of each month at 7:00 p.m. at the Town Hall in Cornersville, Tennessee. (Ord. #12, Oct. 1937, modified)

¹Charter references

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

Municipal code references

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: § 6.

Eligibility: § 6.

Oath of office: § 6.

Term of office: § 8.

Vacancy in office: § 12.

1-102. Powers of the town. The town shall have authority to:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or town purposes;
- (2) Adopt classifications of the subject and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;
- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;
- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or non-interest bearing bonds, warrants, promissory notes or orders of the town, upon the credit of the town or solely upon the credit of specific property owned by the town or solely upon the credit income derived from any property used in connection with any public utility owned or operated by the town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;
- (7) Expend the money of the town for all lawful purposes;
- (8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the town or state;
- (9) Condemn property, real or personal, or any easement interest or estate or use therein, either within or without the town, for the present or future public use in accordance with Tennessee Code Annotated, title 29, chapter 16, or in any other manner, provided by law.
- (10) Take and hold property within or without the town or state upon trust; and administer trusts for the public benefit.
- (11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the town, its inhabitants, or any part thereof, and, further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled at Tennessee Code Annotated, title 9, chapter 21.
- (12) Grant to any person, firm, association or corporation (including the town) franchises for public utilities and public services to be furnished the town and those therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only against any other person, firm, association, or corporation, but also against the town itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant a franchise, the rate, fares, charges and regulations that may be made by

the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the town at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the town and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but no longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the town at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares that thereafter may be opened;

(14) Prescribed reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (19) and (20);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, §§ 7-31-107--7-31-111 and 29-16-114, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance.

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare to the inhabitants of the town, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the town, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the town court of offenses against the laws and ordinances of the town who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the

workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(28)(a) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(b) No penalty may exceed five hundred dollars (\$500.00) for any one (1) offense;

(c) Each day an offense continues shall be a separate and distinct offense;

(29) Regulate, tax, license or suppress the keeping or going at large of animals within the town, impound them, and in default of redemption, sell or kill them;

(30) Call elections as herein provided. (Ord. #94-11, May 1994, modified)

CHAPTER 2

MAYOR

SECTION

- 1-201. To preside at meetings.
- 1-202. To vote in the event of a tie.
- 1-203. Shall not introduce ordinances, etc.
- 1-204. Signs journal, etc.
- 1-205. No administrative duties.
- 1-206. Legal processes.

1-201. To preside at meetings. The mayor shall preside at all meeting of the board.

1-202. To vote in the event of a tie. The mayor shall have a voice in the proceedings of the board but shall not be entitled to vote on any question except in the event of a tie vote of aldermen in which case the mayor shall be entitled to vote.

1-203. Shall not introduce ordinances, etc. The mayor shall not introduce an ordinance, resolution or motion before the board.

1-204. Signs journal, etc. The mayor shall sign the journal of all board meetings, all ordinances and resolutions passed by the board and execute all deeds, bonds, contracts, notes and other instruments in the name of the town.

1-205. No administrative duties. The mayor shall not have any administrative duties.

1-206. Legal processes. All legal processes shall be served on the mayor.

CHAPTER 3

VICE MAYOR

SECTION

1-301. Term, duties, etc.

1-302. Voting privileges.

1-301. Term, duties, etc. The board shall elect an alderman to the office of vice mayor for a two (2) year term. The vice mayor shall serve when the mayor is temporarily absent or unable to discharge the duties of the office.

1-302. Voting privileges. The vice mayor, when acting as mayor, shall retain his voting privileges as an aldermen.

CHAPTER 4

ADMINISTRATOR

SECTION

1-401. Appointment, term, etc.

1-402. Budget committee.

1-403. May serve as recorder and treasurer.

1-404. Bond.

1-405. Duties.

1-401. Appointment, term, etc. The board shall appoint a person to be the administrator for a term and salary as determined by the board.

1-402. Budget committee. The administrator shall be a member of the budget committee.

1-403. May serve as recorder and treasurer. The administrator may, at the direction of the board, be the same person as the recorder and treasurer.

1-404. Bond. The administrator shall execute a bond in a sum fixed by the board.

1-405. Duties. The administrator shall be under the direction and control of the board, be responsible to the board and shall:

- (1) Administer the business of the town;
- (2) Recommend to the board employment, promotion and discharge of all employees;
- (3) Direct, control, supervise, discipline and suspend all employees, in accordance with policies and procedures adopted by the board;
- (4) Issue licenses and permits on behalf of the town;
- (5) Act as purchasing agent for the Town in the purchase of all the materials, supplies and equipment for the proper conduct of town business; provided that all purchases shall be made in accordance with policies, practices and procedures established by the board;
- (6) Make recommendations to the board for improving the quality and quantity of public service to be rendered by the town to its citizens;
- (7) Keep the board fully advised as to the condition and needs of the town;
- (8) Report to the board the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed;

(9) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town;

(10) Recommend specific personnel positions, as may be required for the needs and operations of the town, and may propose personnel policies and procedures for approval by the board;

(11) Perform such other duties as may from time to time be designated or required by the board.

CHAPTER 5

RECORDER¹

SECTION

1-501. Appointment.

1-502. Budget committee member.

1-503. Board directs.

1-504. May serve as administrator and treasurer.

1-505. Shall be certified.

1-501. Appointment. The board shall appoint a person to be the recorder for a term and salary as determined by the board.

1-502. Budget committee member. The recorder shall be a member of the budget committee.

1-503. Board directs. The recorder shall be under the direction and control of the board.

1-504. May serve as administrator and treasurer. The recorder may, at the direction of the board, be the same person as the administrator and/or treasurer.

1-505. Shall be certified. The recorder shall be certified by the secretary of State of the State of Tennessee as provided by Public Acts of 1994, Chapter 548, as amended. (Ord. #95-01, March 1995, modified)

¹Charter reference: § 24.

CHAPTER 6

TREASURER

SECTION

- 1-601. Appointment.
- 1-602. Budget committee member.
- 1-603. May serve as administrator and recorder.
- 1-604. Bond.
- 1-605. Issues receipts for taxes, etc.
- 1-606. Supervises fiscal affairs.
- 1-607. Warrants.
- 1-608. Certifies available money.

1-601. Appointment. The board shall appoint a person to be the treasurer for a term and salary as determined by the board.

1-602. Budget committee member. The treasurer shall be a member of the budget committee.

1-603. May serve as administrator and recorder. The treasurer may, at the discretion of the board, be the same person as the administrator and/or recorder.

1-604. Bond. The treasurer shall execute a bond in an amount determined by the board.

1-605. Issues receipts for taxes, etc. The treasurer shall collect, receive and issue receipts for all taxes and other revenues and bonds of the town.

1-606. Supervises fiscal affairs. The treasurer shall keep a proper account of all funds and expenditures of the town and shall exercise general supervision over the town's fiscal affairs.

1-607. Warrants. All warrants to be paid shall be signed by the mayor and administrator.

1-608. Certifies available money. The treasurer shall first certify that money required is available or will be available for contracts, obligations, agreements, expenditures of the town on time to comply with the terms of the contract, obligation or agreement.

CHAPTER 7

TOWN ATTORNEY

SECTION

1-701. Appointment.

1-702. Duties.

1-701. Appointment. The board shall appoint a town attorney who shall be an attorney at law admitted to the practice of law within the State of Tennessee and the courts of this state.

1-702. Duties. The town attorney shall direct the management of all litigation in which the town is a party; represent the town in all legal matters and functions and proceedings of whatsoever kind and nature; attend all meetings of the board; advise the board, officers and department heads of the town as to legal questions affecting the town's interest; and approve all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by or with the town. The salary and term of the town attorney shall be fixed by resolution of the board. The town attorney is designated the delinquent tax attorney for the town.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

[RESERVED FOR FUTURE USE]

TITLE 3

TOWN COURT¹

CHAPTER

1. TOWN COURT.

CHAPTER 1

TOWN COURT

SECTION

3-101. Appointment, qualifications, etc., of judge.

3-102. Judge to preside.

3-103. Recorder may serve as judge.

3-104. Jurisdiction.

3-101. Appointment, qualifications, etc., of judge. The board shall appoint and fix the qualifications, salary and term of office of the town judge.

3-102. Judge to preside. The town judge shall preside over the town court.

3-103. Recorder may serve as judge. The recorder may serve as judge of the town court. (Ord. #16, Oct. 1937, modified)

3-104. Jurisdiction. The town judge shall have the power and authority to try and determine all cases for the offense of violation of town ordinances, assess penalties and court costs, exercise contempt powers but not confine a violator of an ordinance or try and determine violation of criminal laws or civil law matters.

¹Charter reference: § 24.

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

1. PERSONNEL REGULATIONS, JOB DESCRIPTIONS AND BENEFITS.
2. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1**PERSONNEL REGULATIONS, JOB DESCRIPTIONS AND BENEFITS****SECTION**

- 4-101. Regulations to be followed by all employees of the town and disciplinary action for violation.
- 4-102. Job descriptions for employees and disciplinary actions for violations.
- 4-103. Employee duties.
- 4-104. At-will employees.
- 4-105. Job benefits.

4-101. Regulations to be followed by all employees of the town and disciplinary action for violation. (1) No employee shall authorize any other person to operate town vehicles or equipment or perform work for the town without the express approval of the administrator.

(2) No employee shall use or allow to be used any vehicle or equipment on private property without the express consent of the administrator.

(3) Every employee shall be courteous and helpful to all citizens of the Town of Cornersville while performing official duties.

(4) Employees cannot drink alcoholic beverages, be intoxicated or exhibit disorderly conduct while on the job.

(5) Violations of any of the above described regulations will be cause for discipline or suspension by the administrator or discharge by the board. (Ord. #53, Oct. 1982, modified)

4-102. Job descriptions for employees and disciplinary actions for violations. (1) Town administrator, recorder and treasurer. These positions shall perform all duties and obligations as defined by the charter of the Town of Cornersville which includes, but is not limited to, the following: (a) The recorder shall keep all town records of all transactions accurately and safely;

(b) The treasurer shall see that all collections are properly entered, warrants issued, and receipts delivered to taxpayers and funds economically distributed;

(c) The treasurer, acting as the tax assessor, shall issue tax notices and enter dates taxes are collected.

(d) The town water and wastewater superintendent shall, but not limited to, perform the following duties:

(i) Maintain all equipment, water and sewer lines, facilities, sewer treatment plant, and related appurtenances to town's water/sewer system;

(ii) Operate and maintain the town's wastewater treatment plant in compliance with permits issued for the operation of such plant. (Ord. #53, Oct. 1982, modified)

4-103. Employee duties. All employees shall perform such duties as may be assigned to them by the town administrator.

4-104. At-will employees. Town employees are employees at the will of the board and as at-will employees are subject to dismissal by the board at any time with or without cause for such dismissed employees have no vested interest in their jobs or future employment by the town and are subject to dismissal at any time.

4-105. Job benefits. (1) Vacation.

(a) After one (1) year of continuous employment five (5) days of vacation;

(b) After three (3) years of continuous employment ten (10) days of vacation;

(c) After five (5) years of continuous employment fifteen (15) days of vacation;

(d) Vacation days means scheduled working days.

(e) Vacation days shall not be carried over to the next year. Vacation days shall be approved by the town administrator. Employees shall be paid for unused vacation days within thirty (30) days following the anniversary date of employment.

(2) Sick leave.

(a) Employees shall earn eight (8) days of sick leave per year for each year or fraction of year after the first (1st) full year of employment.

(b) Sick leave may be taken for the following:

(i) Sickness of employee;

(ii) Death or sickness of employee's spouse, child, father, mother, grandparent, or relative who resides at employee's home.

(iii) Employees may accrue no more than thirty (30) days of sick leave.

(iv) Employees, at retirement, shall receive credit (paid per day) for unused sick days.

(v) Sick leave days mean scheduled working days.

(3) Personal leave. Employees shall receive personal leave:

(a) Two (2) days per year after one (1) year of continuous service;

(b) Personal leave shall not be cumulative. (Ord. #53, Oct. 1982, modified)

CHAPTER 2

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-201. Reimbursement of travel expenses.

4-201. Reimbursement of travel expenses. Travel expenses of the mayor, aldermen, any board or committee member elected or appointed by the mayor or the board of mayor and aldermen and any appointed official or employee of the town incurred when conducting official business shall be reimbursed in accordance with a written policy as from time to time adopted by the board of mayor and aldermen. (Ord. #93-02, Nov. 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

[RESERVED FOR FUTURE USE]

¹Charter reference: § 26.

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. CHIEF OF POLICE.
2. WORKHOUSE.

CHAPTER 1

CHIEF OF POLICE

SECTION

- 6-101. Appointment.
6-102. Reports to administrator.
6-103. To enforce laws and ordinances.

6-101. Appointment. The board, upon recommendation of the town administrator, may appoint a chief of police and such other police officers as deemed appropriate by the board upon recommendation of the town administrator.

6-102. Reports to administrator. The chief of police shall report to the town administrator.

6-103. To enforce laws and ordinances. The chief of police and all subordinate police officers shall enforce the laws of the State of Tennessee and the ordinances of the town.

¹Municipal code reference

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

CHAPTER 2

WORKHOUSE

SECTION

- 6-201. Commitment to workhouse.
- 6-202. County workhouse to be used.
- 6-203. Compensation of inmates.

6-201. Committed to workhouse. Any person who fails to pay a penalty after being found guilty of violating a town ordinance and ordered to pay a penalty by the town court or any person found to be in contempt of any order of the town court, may be committed to the town's workhouse and receive credit for each day of confinement as provided by law. (Ord. #15, Oct. 1937, modified)

6-202. County workhouse to be used. The Marshall County jail is designated and hereby declared to be the town's workhouse. The town shall pay to Marshall County such fees as are provided by law for such prisoners as are confined in the Marshall County jail by order of the town's court. (Ord. #16, Oct. 1937, modified)

6-203. Compensation of inmates. Persons committed to the workhouse by the town court shall receive such credits for work as allowed by law. (Ord. #16, Oct. 1937, modified)

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. FIRE CHIEF.

CHAPTER 1

FIRE CHIEF

SECTION

7-101. Appointment.

7-102. Reports to administrator.

7-103. Responsibilities.

7-101. Appointment. The board, upon recommendation of the town administrator, may appoint a chief of the fire department who may be the chief of the police department.

7-102. Reports to administrator. The fire chief shall report to the town administrator.

7-103. Responsibilities. The fire chief shall be responsible for the prevention and suppression of fires.

TITLE 8

ALCOHOLIC BEVERAGES¹

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. It shall be unlawful for any person to manufacture, store for resale or sell any alcoholic beverage capable of being consumed by a human being, other than patent and prescribed medicine, with an alcoholic content of more than five percent (5%) by weight except as provided in Section 57-3-207(e). (Ord. #__, Oct. 1950, modified)

¹State law reference
Tennessee Code Annotated, title 57.

CHAPTER 2

BEER¹

SECTION

- 8-201. Purpose.
- 8-202. Definitions.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Records of the beer board.
- 8-206. Requirements for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in beer business.
- 8-209. Privilege tax.
- 8-210. Restrictions on granting permits.
- 8-211. Application and issuance of permits.
- 8-212. Beer permits restricted to certain businesses.
- 8-213. Interference with public health, safety and morals prohibited.
- 8-214. Requirements of retail stores.
- 8-215. Issuance of permits of persons convicted of certain crimes prohibited.
- 8-216. Prohibited conduct or activities by permit holders.
- 8-217. Permit must be in the name of person owning business.
- 8-218. Permit to be posted.
- 8-219. Premises selling beer subject to inspection.
- 8-220. Revocation of beer permits.
- 8-221. Civil penalty in lieu of suspension.

8-201. Purpose. This chapter is adopted to regulate the sale of beer or other beverages of like content as herein defined, within the corporate limits of the Town of Cornersville, Tennessee. (Ord. #93-09, Feb. 1994)

8-202. Definitions. The following definitions are applicable to this chapter:

- (1) "Beer" shall mean all beer of alcohol content of not more than five percent (5%) by weight, or any other beverage of like content, except wine as defined in Tennessee Code Annotated, § 57-3-101.

¹State law reference

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

(2) "Beer board" shall mean beer board as hereinafter established in § 8-203.

(3) "Board" shall mean the board of mayor and aldermen of the Town of Cornersville, Tennessee.

(4) "Mayor" shall mean the mayor of the Town of Cornersville or vice mayor when acting in the absence of mayor.

(5) "Person" shall mean person, firm, corporation, joint-stock company, syndicate or association.

(6) "Premises" shall be the interior of a building or structure including contiguous interior spaces which are not separated by a permanent solid wall from other portions of the building or structure under the same roof, and where applicable shall include the parking areas adjacent to or servicing the premises.

(7) "Town" shall mean the Town of Cornersville, Tennessee. (Ord. #93-09, Feb. 1994)

8-203. Beer board established. There is hereby established a beer board to be composed of three (3) members appointed by the mayor and approved by the board, each of whom shall hold office for one (1) year or until their successors are appointed. Members of the beer board shall be residents of the town and shall receive no compensation. An annual organizational meeting of the beer board shall be held in July of each year and from its membership shall be elected a chairman and secretary. (Ord. #93-09, Feb. 1994)

8-204. Meetings of the beer board. All meetings of the beer board shall be open to the public. The beer board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called either by the chairman or by a majority of the members. Notice of the annual, regular or special meetings shall be given to each member of the beer board, parties in interest and the general public. (Ord. #93-09, Feb. 1994)

8-205. Records of the beer board. The secretary shall keep minutes of the meetings and proceedings of the beer board, which shall be a public record and shall contain the dates of all meetings, the names of board members present and a record of all matters heard by the board and any action taken thereon. The secretary shall maintain a list of the names and addresses of all holders of beer permits. (Ord. #93-09, Feb. 1994)

8-206. Requirements for beer board quorum and action. The attendance of a majority of the members of the beer board shall constitute a quorum for the purposes of transacting business. Matters before the board shall

be decided by a majority of the members present. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #93-09, Feb. 1994)

8-207. Powers and duties of the beer board. The beer board shall have the authority to regulate the transporting, storing, selling, distributing, possessing or receiving of beer within the town in accordance with the provisions of this chapter. The board is hereby given broad powers to investigate and shall have authority to inspect the premises of any applicant or permit holder at reasonable hours. (Ord. #93-09, Feb. 1994)

8-208. Permit required for engaging in beer business. It shall be unlawful for any person to sell or store for sale, beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the beer board shall prescribe and/or furnish and, pursuant to Tennessee Code Annotated, § 57-5-104(a), the application shall be accompanied by a non-refundable application fee of \$250.00 in the form of a cashier's check payable to the town. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. (Ord. #93-09, Feb. 1994)

8-209. Privilege tax. There is hereby imposed on the business of selling beer an annual privilege tax of one hundred dollars (\$100.00). Any person engaged in the sale of beer shall remit the tax on January 1, 19__ and each successive January 1 to the town. Notice to each permit holder shall be mailed to the address specified on the permit. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, the town shall notify the permit holder by certified mail that the tax payment is past due. If the permit holder does not pay the tax within ten (10) days after receiving such notice, then the permit shall be void and shall not be reinstated without a new applicant and application fee being submitted to the beer board. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #93-09, Feb. 1994, modified)

8-210. Restrictions on granting permits. No permit shall be issued to sell beer in violation of any state law, town ordinance, or this chapter or any amendment thereto. The judgment of the beer board on such matters shall be final except subject to review pursuant to Tennessee Code Annotated, § 57-5-109. (Ord. #93-09, Feb. 1994)

8-211. Application and issuance of permits. Applications shall be issued only to the owner of the business and each applicant must state:

- (1) The applicant's permanent address;
- (2) The location of the premises at which the business shall be conducted;
- (3) The owner or owners of the premises and the terms of any lease relative thereto;
- (4) The names and addresses of all persons having a financial interest in the beer business proposed to be established;
- (5) The name and address of person operating the business;
- (6) No person will be employed in the handling or sale of beer that has been convicted within the past ten (10) years of any law against possession, sale, manufacturing or transportation of alcohol or any crime involving moral turpitude;
- (7) That applicant will not engage in the sale of beer except on the premises for which the permit has been issued;
- (8) That no sale of alcohol will be made except in accordance with the permit and in accordance with all state laws;
- (9) If the application is for a permit to sale for consumption off premises, that no sale shall be made for consumption on premises and no consumption will be permitted on the premises;
- (10) No sale shall be made to minors;
- (11) Such other information as may be requested on the application for beer permit. (Ord. #93-09, Feb. 1994)

8-212. Beer permits restricted to certain businesses. The board shall only issue or renew permits:

- (1) To sell at retail in packages for off premises consumption, if the business satisfies the requirements of § 8-214.
- (2) To a local chapter of a nationally organized and recognized club or lodge wherein beer may be sold at retail to its members to be consumed on the premises of the club or lodge; or
- (3) To sell at retail to be consumed on the premises subject to the limitations and regulations of this chapter and the following limitations and regulations.
 - (a) Meals must be actually and regularly served at the premises and such premises must have adequate equipment to prepare meals which must be served at least two (2) times per day, six days per week, and, unless a motel or hotel, the serving of meals shall be the principal business conducted on the premises.

(b) All state and local health and sanitation requirements relative to the equipment for handling food and cleaning dishes, drinking glasses and other utensils must be strictly complied with.

(c) Premises must have a seating capacity for not less than 40 persons at tables and chairs, nor more than 10 counter seats for each 40 seats at tables and chairs.

(d) Beer must be served in containers other than bottles and cans.

(e) No signs or displays shall be on the exterior of the premises or signs and displays on the interior of the premises visible from the exterior which indicate or advertise that beer may be purchased at the premises.

(f) Within 30 minutes after the time each day when sale of beer becomes unlawful, any person holding an on-premises permit shall remove or cause to be removed from all tables, counters and other places where beer is served or consumed all glasses and other containers with beer therein and except for said 30 minute period he shall keep said containers properly stored during all hours when the sale of beer on the premises is unlawful.

(g) All premises shall be of such design that the interior can easily be seen from the exterior and no curtains, drapes, shades, blinds, screens or other thing shall be used to hinder a clear and unobstructed view of the interior of the premises from the exterior and such design shall be approved by the beer board.

(h) All premises shall have adequate and separate toilet facilities for men and women. The toilet facilities shall be so arranged and of such construction that they can be maintained and kept in a clean and sanitary condition and state of repair.

(i) All premises shall have at least two (2) entrances which shall not be locked while beer is being sold or consumed on the premises by any person.

(j) All premises shall have of the street parking of not less than one (1) space per three occupancy capacity, or one (1) space per 50 square feet of floor area, or one (1) space per table, whichever is greater. (Ord. #93-09, Feb. 1994, modified)

8-213. Interference with public health, safety and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches or other places of public gathering or would otherwise interfere with the public health, safety and moral. It shall be in the discretion of the beer board to declare whether or not a particular location is a suitable location for the

sale of beer. In determining whether a permit should be issued, the beer board shall consider the character of the neighborhood, the space available for the building, space available for parking, and the affect of the business on neighboring property. (Ord. #93-09, Feb. 1994)

8-214. Requirements of retail stores. The beer board shall not issue a permit to sale beer except at retail in packages by a duly licensed business where the sale of food products, groceries and other items represent at least seventy-five percent (75%) of the total inventory carried for sale by the business and the inventory of beer shall not at any time exceed twenty-five percent (25%) of the total value of all inventory for said business. Consumption of beer shall not be permitted on the premises. (Ord. #93-09, Feb. 1994, modified)

8-215. Issuance of permits of persons convicted of certain crimes prohibited. No beer permits shall be issued to any person who has been convicted for possession, sale, manufacture or transportation of alcohol or any crime involving moral turpitude within the past ten (10) years. (Ord. #93-09, Feb. 1994)

8-216. Prohibited conduct or activities by permit holders. It shall be unlawful for any beer permit holder to:

- (1) Employ any person convicted for the possession, sale, manufacture, or transportation of alcohol or any crime involving moral turpitude within the past ten (10) years;
- (2) Employ any person under the age of eighteen (18) years in the sale, storage, distribution or manufacture of beer; however, this provision shall not apply to grocery stores selling beer for off premises consumption;
- (3) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof, between the hours of 12:00 midnight and 6:00 A.M. each day of the week including Sunday and in addition, between the hours of 6:00 A.M. and 1:00 P.M. on Sunday;
- (4) Allow any loud, unusual or obnoxious noises to emanate from the premises;
- (5) Make or allow sale of beer to any person under the age of twenty-one (21) years. The holder of the beer permit shall be strictly accountable for the violation of this provision and the burden of ascertaining the age of such person shall be upon the holder and operator, or their servants, of such place of business;
- (6) Allow any person under nineteen (19) years of age to loiter in or about the premises;
- (7) Make or allow any sale or gift of beer to any intoxicated person or to any feeble minded, insane or otherwise mentally incapacitated person;

- (8) Allow a drunk or disreputable person to loiter about the business;
- (9) Serve, sale, give or allow the consumption on the premises of any alcohol beverage with the alcohol content of more than five percent (5%) by weight;
- (10) Allow gambling, dancing or playing of pool or billiards on the premises;
- (11) Permit the consumption of beer on the parking lot which services and/or is adjacent to the premises which the permit holder has any interest in or control over. (Ord. #93-09, Feb. 1994, modified)

8-217. Permit must be in the name of person owning business. The permit issued by the beer board shall be in the name of the person owning the business rather than the manager, operator or employee of the owner. (Ord. #93-09, Feb. 1994)

8-218. Permit to be posted. Permits issued by the beer board shall be posted in a conspicuous place inside the premises. (Ord. #93-09, Feb. 1994)

8-219. Premises selling beer subject to inspection. All premises where beer is sold are subject to inspection by the beer board members and town police during any hours the premises are open. (Ord. #93-09, Feb. 1994)

8-220. Revocation of beer permits. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in its application or violating any provisions of this chapter or any law of the State of Tennessee in regard to selling and storing for sale beer. However, no beer permit shall be revoked until a public hearing is held by the beer board after reasonable notice to all known parties in interest, beer board members and the general public. Revocation proceedings may be initiated by the police chief or any member of the board or beer board. (Ord. #93-09, Feb. 1994)

8-221. Civil penalty in lieu of suspension. The beer board may, at the time it imposes revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500.00 for each offense of making or permitting to be made any sales to persons under the age of twenty-one (21) years or, a civil penalty not to exceed \$1,000.00 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil

penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #93-09, Feb. 1994)

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

1. GAME ROOMS.
2. CABLE TELEVISION.

CHAPTER 1**GAME ROOMS****SECTION**

9-101. Prohibited in the town.

9-101. Prohibited in the town. It is unlawful for any person to operate a gaming room or permit anyone to operate a gaming room on any premises within the corporate limits, unless the premises has been zoned C-2, highway business, or a permit has been issued by Marshall County, Tennessee prior to annexation by the town. Game rooms shall not be permitted in areas zoned C-1.

For the purpose of this section the following definitions shall apply:

(1) "Game" means any amusement machine, video or device operated by means of insertions of a coin, token, or similar object or pool or billiard tables, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical device.

(2) "Game room" means any place where games are displayed for use by the public and fees from the use or play of the games are the primary source of income to the permittee, whether or not another business is conducted on the premises.

(3) "Person" means any person, firm, corporation, partnership or association.

(4) "Premises" means the interior of a building or structure including interior contiguous spaces which are not separated by a permanent solid wall from other interior portions of the building or structure under the same roof,

¹Municipal code references

Liquor and beer regulations: title 8.

Zoning: title 14.

and where applicable includes the parking area adjacent to and servicing the building or structure.

Any person violating this section shall upon conviction be fined not more than five hundred dollars (\$500.00) plus court cost. (Ord. #95-02, Feb. 1995, modified)

CHAPTER 2

CABLE TELEVISION

SECTION

9-201. To be furnished under franchise.

9-201. To be furnished under franchise. Cable television service shall be furnished to the Town of Cornersville and its inhabitants under franchises as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Cornersville and its inhabitants and the grantees of the franchise shall be clearly stated in the franchise agreements which shall be binding upon the parties concerned.

TITLE 10**ANIMAL CONTROL****CHAPTER**

1. IN GENERAL.
2. DOG CONTROL.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Nuisance prohibited.
- 10-103. Seizure and disposition.

10-101. Running at large prohibited. (1) Chickens, turkeys, and/or fowls. (a) Prohibited. It shall be unlawful for any person, persons, firm, corporation or company, to allow chickens, turkeys and/or fowls of like kind, from one or more in number, belonging to such person, firm, corporation or company, to run at large within the corporate limits of the Town of Cornersville.

It shall be the duty of any person, firm, corporation or company owning such chickens, turkeys and/or fowls of like kind to keep the same within the bounds of their own property and to prevent the same from leaving their premises.

(b) Owner liable for damage caused from running at large. Any person, firm, corporation or company violating the provisions of this subsection shall be liable for damages done by such chickens, turkeys and/or fowls of like kind, to the property of anyone, and in addition thereto shall be subject to arrest and upon being found guilty thereof shall be deemed to be guilty of a misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00) within the discretion of the recorder.

(2) Livestock. It shall be unlawful for any person or persons to allow any livestock belonging to them to run at large, either day or night on the streets, alleys or public thoroughfares or upon the property of any other person or persons within the corporate limits of the Town of Cornersville.

Any person or persons violating any of the provision in this subsection and who shall be found guilty thereof shall be deemed to be guilty of a

misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00).

(3) Sheep and/or goats. It is hereby declared to be unlawful for any person or persons to keep any sheep or goats within the corporate limits of the Town of Cornersville.

Any person or persons violating this subsection shall be guilty of a misdemeanor, and be subject to a penalty of not more than five hundred dollars (\$500.00). (Ord. #11, Oct. 1937, as amended by Ord. #22, Dec. 1937, and Ord. #__, March 1956, modified)

10-102. Nuisance prohibited. It shall be unlawful for any person or persons to keep a hog or hogs of any size or age in a pen, such act being hereby declared a nuisance and in conflict with public policy and regulations to promote the general welfare and health of the people, within the corporate limits of the Town of Cornersville.

Any person or persons violating any of the provisions in this section and who shall be found guilty thereof shall be deemed to be guilty of a misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00). (Ord. #11, Oct. 1937, modified)

10-103. Seizure and disposition. If any fowl, livestock, sheep, goat, and/or hog are found running at large in the town and the town administrator, or the town administrator's agents, after diligent inquiry shall be unable to ascertain the owner thereof, the town administrator shall take such fowl or livestock, place it in a place where it may be fed, watered and cared for and then sell it in accordance with Tennessee Code Annotated.

Any person or persons violating any of the provisions of this section and who shall be found guilty thereof shall be deemed to be guilty of a misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00). (Ord. #11, Oct. 1937, modified)

CHAPTER 2

DOG CONTROL

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Dogs to be securely restrained.
- 10-205. Violations and penalties.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (Ord. #__, June 1978)

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

No person shall fail or refuse to show to the chief animal control officer or any police officer, the registration and the tag for any duly registered dog kept or remaining within the home or upon any premises under his immediate control. A violation of this provision is an infraction, and upon a conviction thereof shall be punishable by a fine. (Ord. #__, June 1978)

10-203. Running at large prohibited.¹ It shall be unlawful for any person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog to knowingly cause or permit such dog to be off the premises of its owner, unless such dog is securely confined by a strong leash of not exceeding six (6) feet, securely and continuously held by a competent person or unless such dog be confined within an automobile. (Ord. #__, June 1978)

10-204. Dogs to be securely restrained. It shall be unlawful for any person owning, having an interest in, harboring, or having charge, care, control, custody or possession of a dog unless such dog is securely restrained or confined by fence, chain, pen, or similar manner to prevent such dog from leaving,

¹State law reference

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

escaping, etc. the premises upon which such dog is restrained or confined. (Ord. #__, June 1978, modified)

10-205. Violations and penalties. Any person violating any of the provisions of this chapter and who shall be found guilty thereof shall be deemed to be guilty of a misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00). (Ord. #__, June 1978, modified)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH TRAFFIC.
4. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink any intoxicating liquor, (including wine, ale or beer, gin, vodka, rum or whiskey,) in any public place, in the Town of Cornersville, or to publicly display any can, bottle, jug, or other vessel containing any of said intoxicating liquor, that have been opened, in the Town of Cornersville.

It shall be unlawful for any occupant of an automobile, truck or other motor vehicle, which is parked or being operated in a parking lot, or on the highways, street, or alleys in the Town of Cornersville, to publicly display or allow any passenger in or on said motor vehicle, automobile, truck or other motor vehicle to display any can, bottle, jug, or other vessel containing any of the said intoxicating liquor, that has been opened.

¹Municipal code references

Animals and fowls: title 10.

Traffic offenses: title 15.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

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

Any person violating any of the provisions of this section shall pay a penalty of not more than five hundred dollars (\$500.00). (Ord. #__, May 1976, modified)

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-201. Disorderly conduct in court.

11-202. Disturbing the peace.

11-203. Disturbing meetings or assemblages.

11-201. Disorderly conduct in court. It shall be unlawful for any person to conduct himself disorderly, or to use profane or loud language, or in any manner disturb, interfere with or hinder or attempt to hinder the process of a board meeting, or any meeting of any board or commission of the town, or the legal actions of the town court.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall pay a penalty of not more than \$500.00.

Notwithstanding the assessment of a monetary penalty, the mayor or chairman of any board or commission of the town may have any person violating the provisions of this section removed from a board meeting and the town judge may hold such person in contempt and punish according to law in addition to any monetary penalty. (Ord. #3, Oct. 1937, modified)

11-202. Disturbing the peace. It shall be unlawful for any person or persons to wantonly or unnecessarily discharge any fire arms, use profane language, or make any loud or unusual noises, or otherwise engage in any boisterous conduct, which disturbs or tends to disturb or is calculated to disturb the public or any part thereof, within the corporate limits of the Town of Cornersville.

Any person or persons violating any of the provisions in this section and who shall be found guilty thereof shall be deemed to be guilty of a misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00), and the costs of the cause. (Ord. #11, Oct. 1937, modified)

11-203. Disturbing meeting or assemblages. It shall be unlawful for any person or persons to willfully disturb or disquiet any meeting or assemblage of persons met for religious worship or for education or literary purposes, or as a lodge, or for the purpose of engaging in or promoting the cause of temperance by noise, profane discourse, rude or indecent behavior or any other act at or near the place of such meeting.

Any person or persons guilty of violating any of the provisions in this section and who shall be found guilty thereof shall be deemed to be guilty of a

misdemeanor and shall pay a penalty of not more than five hundred dollars (\$500.00). (Ord. #4, Oct. 1937, modified)

CHAPTER 3

INTERFERENCE WITH TRAFFIC

SECTION

11-301. Obstruction of roads or ways prohibited.

11-301. Obstruction of roads or ways prohibited. It shall be unlawful for any person to obstruct the public highways, private ways, streets, alleys, sidewalks, public grounds, and ways to cemeteries, churches, schoolhouses, or water hydrants, that are located within the corporate limits of the Town of Cornersville.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor and shall be punished by a penalty of not more than five hundred dollars (\$500.00). (Ord. #55, Jan. 1984, modified)

CHAPTER 4

MISCELLANEOUS

SECTION

11-401. Fireworks within corporate limits.

11-402. Loitering.

11-403. Procuring other persons to violate any ordinance of the town.

11-404. Curfew for minors.

11-401. Fireworks within corporate limits. It shall be unlawful for any person or persons to cast, explode or otherwise display any squib, firecracker, roman candle, skyrocket, torpedo, or other works, or combustibles, within the corporate limits of the Town of Cornersville, without first having obtained a written permit signed by the mayor and recorder of said town, designating the time and place at which said fireworks may be displayed.

Any person or persons violating any of the provisions in this section and who shall be found guilty thereof shall pay a penalty of not more than five hundred dollars (\$500.00), and the costs of the cause. (Ord. #11, Oct. 1937, modified)

11-402. Loitering. It shall be unlawful for any person or persons to loiter in the park, streets, alleys or any public or private parking lot where the owner of the private parking lot has such lot posted "No Loitering". (Ord. #9, Oct. 1937, modified)

11-403. Procuring other person to violate any ordinance of the town. Any person or persons who shall incite, council, procure, aid or abet, any other person to or in the violation of any ordinance of the Town of Cornersville, Tennessee, shall be deemed a principal offender and punished as such. (Ord. #14, Oct. 1937)

11-404. Curfew for minors. (1) This section may be cited as the "Curfew Ordinance".

(2) As used in this section, the meanings of the following words are:

(a) "Guardian" means the person who legally has care and custody of a minor;

(b) "Juvenile court" means the Juvenile Court of Marshall County, Tennessee;

(c) "Minor" means a person under the age of eighteen (18) years;

(d) "Parent" means the lawful mother or father of a minor;

(e) "Penalty" means money to be paid to the town as ordered by the town court for violations of this section;

(f) "Town court" means the Town Court of Cornersville, Tennessee;

(g) "Town" means the Town of Cornersville, Tennessee.

(3)(a) It is unlawful for a minor to remain in or upon any public street, highway, park, vacant lot, parking lot or other public place within the town between the hours of 10:00 P.M. to 6:00 A.M.

(b) It is unlawful for a parent, guardian or another person having care of a minor to knowingly permit or by insufficient control allow a minor to be or remain on any public street, highway, park, vacant lot, parking lot or other public place within the town between the hours of 10:00 P.M. to 6:00 A.M. under circumstances not constituted an exception to, or otherwise, beyond the scope of this section. The term "knowingly" includes knowledge which a person should reasonably be expected to have concerning the whereabouts of a minor in his or her legal custody or care. The term "knowingly" is intended to continue to keep neglectful or careless parents, guardians or other persons up to a reasonable community standard of responsibility through an objective test. It is not a defense that a parent, guardian or other person was completely indifferent to the activities or conduct or whereabouts of such minor.

(c) The following are valid exceptions to the operation of this section.

(i) At any time, if minor is accompanied by parent, guardian or other person having care of the minor;

(ii) When accompanied by an adult authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;

(iii) Until the hour of 10:30 P.M. if the minor is on an errand directed by his or her parent or guardian;

(iv) If the minor is legally employed, for the period from 45 minutes before to 45 minutes after work, while going directly between his or her residence and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of his or her employment. To come within this exception, the minor must carry written evidence of employment;

(v) If the minor is on the property of or the sidewalk adjacent to the place where the minor resides or the place immediately adjacent thereto if the owner of the adjacent property

does not communicate an objection to the minor or a law enforcement officer;

(vi) When returning home by a direct route from (and within 30 minutes of the termination of) school activity or an activity of a religious or other voluntary association, or a place of public entertainment such as a movie, play or sporting event. This exception does not apply beyond 11:00 P.M.;

(vii) In the case of reasonable necessity, but only after such minor's parent has communicated to a law enforcement officer the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including place, origin and destination. A copy of such communication, or the record thereof, and appropriate notation of the time it was received and the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

(viii) When the minor is exercising First Amendment rights protected under the United States Constitution such as, free exercise of religion, freedom of speech, and right of assembly;

(ix) Each of the foregoing exceptions and limitations are severable;

(x) When a minor violates this section, the officer may act in one of the following ways:

(A) If in the opinion of the officer such action would be effective, take the child to his residence and warn and counsel with parent or guardian;

(B) Issue a summons for a minor and/or parents or guardians to appear in juvenile court; or

(C) Bring the minor in custody of the juvenile court for disposition.

(4) Any parent, guardian or other person having the care, custody and control of a minor violating the provisions of this section is guilty of a violation of this section and shall be penalized no more than five hundred dollars (\$500.00) for each offense; each violation of the provisions of this section shall constitute a separate offense. (Ord. #95-08, Nov. 1995)

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER****1. MODEL ENERGY CODE.****CHAPTER 1****MODEL ENERGY CODE¹****SECTION**

- 12-101. Model energy code adopted.
- 12-102. Modifications.
- 12-103. Available in recorder's office.
- 12-104. Violation and penalty.

12-101. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code² 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

¹State law reference

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

Municipal code references

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Cornersville. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code.

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

12-104. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER****1. MISCELLANEOUS.****CHAPTER 1****MISCELLANEOUS****SECTION**

13-101. Care of premises.

13-102. Dead animals.

13-101. Care of premises. (1) It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items.

(2) It shall be the duty and responsibility of such owner or occupant to keep the property clean and to remove all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the Town of Cornersville.

(3) A period of not less than five (5) days will be given following the initial notification of an offense for the owner to come into compliance with this section. (Ord. #91-01, Feb. 1991, modified)

13-102. Dead animals. It shall be unlawful for any person or persons to put the dead body of any animal or any other filth or poisonous thing, into any well, spring or cistern within the corporate limits of the Town of Cornersville. (Ord. #____, Oct. 1937, modified)

¹Municipal code reference
Animal control: title 10.

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Election of chairman; rules and procedure.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated § 13-4-101, there is hereby created a Municipal Planning Commission of the Town of Cornersville, Tennessee (hereinafter referred to as the "planning commission"). The planning commission shall consist of five (5) members: one of the members shall be the mayor of the town or a person designated by the mayor, one of the members shall be an alderman selected by the board of mayor and aldermen; and three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointment, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one member expires each year. The terms of the mayor and alderman selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor who shall also have the authority to remove an appointive member at his pleasure. (Ord. #91-11, Jan. 1992)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with the applicable sections of Tennessee Code Annotated, title 13. (Ord. #91-11, Jan. 1992)

14-103. Election of chairman; rules of procedure. The planning commission shall elect its chairman and vice-chairman from among its

members. The terms of the chairman and vice-chairman shall be for one (1) year and each may be eligible for re-election. The town recorder shall serve as the secretary of the planning commission. The planning commission shall make its own rules of procedure, determine its meeting times, and its records shall be open to the public. (Ord. #91-11, Jan. 1992)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Cornersville shall be governed by Ordinance dated November 4, 1993, titled "Municipal Zoning Ordinance, Cornersville, Tennessee," and any amendments thereto.¹

¹The Cornersville zoning ordinance and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING****CHAPTER**

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

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

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. Unauthorized traffic-control signs, etc.
- 15-109. Presumption with respect to traffic-control signs, etc.
- 15-110. Driving through funerals or other processions.
- 15-111. Clinging to vehicles in motion.
- 15-112. Riding on outside of vehicles.
- 15-113. Backing vehicles.
- 15-114. Projections from the rear of vehicles.
- 15-115. Causing unnecessary noise.
- 15-116. Passing.
- 15-117. Damaging pavements.
- 15-118. Bicycle, motorcycle riders, etc.
- 15-119. Driving and parking in town-owned parks and recreation centers.
- 15-120. Limitation on vehicles in excess of two (2) tons.
- 15-121. Dilapidated vehicles on streets.
- 15-122. Vehicles prohibited on sidewalks.
- 15-123. Motor vehicle windows with tinting, reflecting, or sun screen material.

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 in and required by Tennessee Code Annotated. (Ord. #94-12, Sept. 1994)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (Ord. #94-12, Sept. 1994)

15-103. One-way streets. No person shall drive except in the indicated direction on a street for one-way traffic with posted signs indicating the direction of traffic at all intersections offering access thereto. (Ord. #94-12, Sept. 1994)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

(c) Upon a roadway designated and signposted by the town 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. (Ord. #94-12, Sept. 1994)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (Ord. #94-12, Sept. 1994)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (Ord. #94-12, Sept. 1994)

15-107. Miscellaneous traffic-control signs, etc.¹ No person shall violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

No person shall willfully violate or fail to comply with the reasonable directions of any police officer. (Ord. #94-12, Sept. 1994)

15-108. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street or alley, 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. (Ord. #94-12, Sept. 1994)

15-109. 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 town authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (Ord. #94-12, Sept. 1994)

15-110. Driving through funerals or other processions. Except when otherwise directed by a police officer, no person shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (Ord. #94-12, Sept. 1994)

15-111. Clinging to vehicles in motion. No person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle shall cling

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-508.

to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (Ord. #94-12, Sept. 1994)

15-112. Riding on outside of vehicles. No person shall ride, or 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. (Ord. #94-12, Sept. 1994)

15-113. Backing vehicles. No person shall back a vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. #94-12, Sept. 1994)

15-114. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (Ord. #94-12, Sept. 1994)

15-115. Causing unnecessary noise. No person shall cause unnecessary noise by using a "muffler cut-out" or other contrivance which tends to increase motor noise, or by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (Ord. #94-12, Sept. 1994)

15-116. 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 person 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.

No person shall pass or attempt to pass another vehicle proceeding in the same direction on U.S. Highway 31-A, also known as Main Street. (Ord. #94-12, Sept. 1994)

15-117. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (Ord. #94-12, Sept. 1994)

15-118. Bicycle, motorcycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle or motor driven cycle while any other person is a passenger upon said motor vehicle.

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

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles, faceshields or glasses containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (Ord. #94-12, Sept. 1994)

15-119. Driving and parking in town-owned parks and recreation centers. No person shall drive or park any motor vehicle, motorcycle, motorbike or any other motor-powered vehicle in any town-owned park recreation center except in places designated for vehicular traffic. This section shall not apply to maintenance or other authorized vehicles. (Ord. #94-12, Sept. 1994)

15-120. Limitation on vehicles in excess of two (2) tons. All motor vehicular traffic on all residential streets shall be limited to motor vehicles of a gross weight of 4,000 lbs. or less, except school buses, garbage trucks and vehicles making deliveries on said residential streets, or when making delivery to property contiguous to a residential street. The town administrator shall post appropriate signs to inform the general public of the provisions of this section. (Ord. #94-12, Sept. 1994)

15-121. Dilapidated vehicles on streets. It shall be unlawful in the Town of Cornersville for any person, firm or corporation to park or allow to remain for more than twenty-four (24) hours any dilapidated automobile or any automobile not in operating condition upon any public street within the corporate limits of the Town of Cornersville.

The police shall, upon determining a dilapidated or inoperable vehicle being on the public street or in a public area of the town, shall give notice to the owner of such motor vehicle to move the motor vehicle to private property, not in violation of any town's ordinance, including town's zoning ordinance. If such motor vehicle is not moved within ten (10) hours of officer's notification, then it will be removed by the officer and the costs of such removal shall be that of the owner and the owner will be cited into court. The cost of removal of the motor vehicle shall be taxed as cost by the judge. (Ord. #_____, Nov. 1967, modified)

15-122. Vehicles prohibited on sidewalks. It is unlawful for any motor vehicle to be on the sidewalks in the town or for any person to ride a bicycle on the sidewalks of the town. (Ord. #__, May 1973, modified)

15-123. Motor vehicle windows with tinting, reflecting, or sun screen material. (1) It is unlawful for any person to operate, upon a public highway, street, road or alley within the corporate limits, any motor vehicle, in which any window, which has a visible light transmittance equal to, but not less than the specified in the Federal Motor Vehicle Safety Standard No. 205, has been altered, treated or replaced by the affixing, application or installation of any material which:

(a) Has a visible light transmittance of less than thirty-five percent (35%); or

(b) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(2) For each vehicle to which tinting material have been applied, shall be affixed to the lower right corner of the driver's window an adhesive label which shall state:

(a) The installer's business name; and

(b) The legend "Tinting complies with Tennessee Code Annotated, § 55-9-107."

(3) Kept with vehicle registration documents shall be signed receipt for each vehicle to which tinting material have been applied which states:

(a) Date of installation;

(b) Make, model, paint, color, state and license plate number;

(c) The legend "complies with Tennessee Code Annotated, § 55-9-107, at date of installation."

(4) The owner of any vehicle in question has the burden of proof that such vehicle is in compliance with the provisions of this section.

(5) It is probable cause for a full-time, salaried police officer, to detain a motor vehicle being operated on a public highway, street, road or alley of the municipality when such officer has reasonable belief that the motor vehicle is in violation of this section for purpose of conducting a field comparison test.

(6) It is unlawful for the operator for a motor vehicle to refuse to submit to the field comparison test when directed to do so by a full-time salaried police officer, or for any person to otherwise violate any provision of this section. (Ord. #97-01, June 1997)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police or as defined in Tennessee Code Annotated. (Ord. #94-12, Sept. 1994)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red and/or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such 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. (Ord. #94-12, Sept. 1994)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of a vehicle (except a driver of an emergency vehicle) shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet. (Ord. #94-12, Sept. 1994)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (Ord. #94-12, Sept. 1994)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. Posted speed limits.

15-302. Enforcement.

15-301. Posted speed limits. No person shall operate or drive a motor vehicle upon highways, avenues, streets, alleys or ways in excess of the posted speed. The board of mayor and aldermen shall by resolution or motion determine the speed limits within the corporate limits of the Town of Cornersville and shall erect appropriate signs (posted speed limits) to inform the general public of such maximum speed limits. (Ord. #96-10, Nov. 1996)

15-302. Enforcement. Any person convicted of violating any provision of this chapter shall pay a penalty of not less than \$10.00 nor more than \$500.00 for each violation. (Ord. #96-10, Nov. 1996)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-406. Turning right at signal light.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (Ord. #94-12, Sept. 1994)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (Ord. #94-12, Sept. 1994)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (Ord. #94-12, Sept. 1994)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (Ord. #94-12, Sept. 1994)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

15-405. U-turns. U-turns are prohibited. (Ord. #94-12, Sept. 1994)

15-406. Turning right at signal light. When approaching an electrically operated signal light, the driver may, after coming to a full stop, proceed to enter the intersection and turn right, if he can do so without interfering with traffic coming from the left. (Ord. #94-12, Sept. 1994)

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of a blue light or 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. (Ord. #94-12, Sept. 1994)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (Ord. #94-12, Sept. 1994)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (Ord. #94-12, Sept. 1994)

¹Municipal code reference

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

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (Ord. #94-12, Sept. 1994)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (Ord. #94-12, Sept. 1994)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (Ord. #94-12, Sept. 1994)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (Ord. #94-12, Sept. 1994)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the 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 crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (Ord. #94-12, Sept. 1994)

15-509. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (Ord. #94-12, Sept. 1994)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.

15-602. Parking.

15-603. Occupancy of more than one space.

15-604. Where prohibited.

15-605. Loading and unloading zones.

15-606. Presumption with respect to illegal parking.

15-607. Parking on public streets, etc., not to exceed one hour.

15-608. Restricted parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first stopping the motor assuring the vehicle will not move of its own accord. (Ord. #94-12, Sept. 1994)

15-602. Parking. (1) Parallel parking. Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

(2) Angle parking. On those streets which have been signed or marked by the municipality for angle parking no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (Ord. #94-12, Sept. 1994)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (Ord. #94-12, Sept. 1994)

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

(1) On a sidewalk.

(2) In front of a public or private driveway.

- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the municipality.
- (12) In any designated fire lane on public or private property. (Ord. #94-12, Sept. 1994)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (Ord. #94-12, Sept. 1994)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (Ord. #94-12, Sept. 1994)

15-607. Parking on public street, etc., not to exceed one hour.

- (1) Motor vehicles as referred to herein shall mean any motor vehicle including any trailer, bed or other attachment coupled to said vehicle that has a combined total length of thirty-five (35) feet or more.
- (2) Motor vehicles as defined in (1) are prohibited from parking on any public highway, street, road, or right of way located within the corporate limits of the Town of Cornersville, Tennessee, for a period of time exceeding one (1) hour every day of the week.
- (3) Any person violating the provisions of this section shall forfeit and pay a fine to the Town of Cornersville, in an amount not less than twenty dollars (20.00) nor more than fifty dollars (\$50.00) for each offense. (Ord. #88-01, May 1988)

15-608. Restricted parking. (1) Location and hours. It shall be unlawful for any vehicle to park directly in front of the Farmers Bank located in Cornersville, Tennessee. This location falls between the entrance from the

north-side of the bank, exiting from Highway 31-A, to the south-side exit of the bank, entering back on to Highway 31-A. This area described will be restricted as "No Parking" only during the bank's business hours. (Ord. #90-06, July 1990, modified)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (Ord. #94-12, Sept. 1994)

15-702. Failure to obey citation. No person shall violate his written promise to appear in court after giving 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. (Ord. #94-12, Sept. 1994)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (Ord. #94-12, Sept. 1994)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the

¹State law reference

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

vehicle, to prevent obstruction of traffic or where the vehicle is a threat or danger to the public to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until otherwise lawfully disposed of. The fee for impounding a vehicle shall be as set dollars (\$___) and the storage cost shall be the cost of storage charged by the person storing the vehicle. (Ord. #94-12, Sept. 1994)

15-705. Violation and penalty. Any person violating this title shall be subject to a penalty of not more than five hundred dollars (\$500.00). (Ord. #94-12, Sept. 1994, modified)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER****1. DRAINAGE.****CHAPTER 1****DRAINAGE****SECTION**

16-101. Property owner's responsibility.

16-102. Definitions.

16-101. Property owner's responsibility. (1) Owners and users of private driveways, roads, parking areas, etc. shall be responsible for the installation and maintenance of culverts adequate to permit the free and unobstructed flow of surface water under private drives, roads, parking areas, etc.

(2) Owners and users of property upon which drainage ditches are located shall be responsible for the construction and maintenance of drainage ditches to permit the free and unobstructed flow of surface water.

(3) Property owners and users are prohibited from placing or permitting to remain any item in a drainage ditch which would interfere with or restrict the flow of surface water. (Ord. #97-07, June 1997)

16-102. Definitions. As used in this chapter:

(1) "Culvert" means any method, structure, item, or configuration used to permit the passage of surface water under a private drive, road, parking area, etc.

(2) "Drainage ditch" means any trench, channel, cut, fur, groove, rut or track used, or suitable for use to carry or drain surface water on property to or from culverts or property. (Ord. #97-07, June 1997)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

TITLE 17

REFUSE AND TRASH DISPOSAL¹

[RESERVED FOR FUTURE USE]

¹Municipal code reference

Property maintenance regulations: title 13.

TITLE 18**WATER AND SEWERS****CHAPTER**

1. WATER.
2. SEWER USE ORDINANCE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1**WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Obtaining service.
- 18-103. Application and contract for service.
- 18-104. Connection charges.
- 18-105. Tapping fee.
- 18-106. Deposit required.
- 18-107. Meters.
- 18-108. Meter tests.
- 18-109. Multiple services through a single meter.
- 18-110. Billing.
- 18-111. Discontinuance or refusal of service.
- 18-112. Re-connection charge.
- 18-113. Termination of service by customer.
- 18-114. Access to customers' premises.
- 18-115. Inspections.
- 18-116. Customer's responsibility for system's property.
- 18-117. Customer's responsibility for violations.
- 18-118. Supply and resale of water.
- 18-119. Unauthorized use of or interference with water supply.
- 18-120. No free water service.
- 18-121. Damages to property due to water pressure.
- 18-122. Cut-off/cut-on fee.
- 18-123. Restricted use of water.
- 18-124. Interruption of service.
- 18-125. Schedule of rates.
- 18-126. Fluoridation of water supply.

18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #__, Jan. 1962)

18-102. Obtaining service. A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (Ord. #__, Jan. 1962)

18-103. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules and regulations and general practice the liability of the municipality to the applicant shall be limited to the return of any deposit made by such applicant. (Ord. #__, Jan. 1962)

18-104. Connection charges. Service lines will be laid by the municipality from the main to the property line. The location of such lines will be determined by the municipality.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (Ord. #__, Jan. 1962)

18-105. Tapping fee. There shall be no tapping fee charged prior to or during construction, but after construction of the system is completed there shall be a tapping fee charge of seven hundred and fifty dollars (\$750.00) for each customer whose premises are located within the corporate limits of the Town of Cornersville and a tapping fee of one thousand dollars (\$1,000.00) for each customer whose premises are located outside the corporate limits of the Town of Cornersville. (Ord. #__, Jan. 1962, as amended by Ord. #93-11, Feb. 1994, and Ord. #96-15, Dec. 1996)

18-106. Deposit required. A deposit of fifty dollars (\$50.00) for each water customer and a deposit of four hundred and fifty dollars (\$450.00) for each sewer customer shall be made and required to secure the payment of monthly bills which deposit shall be returned to the subscriber or customer upon termination of the services provided all charges for water service or sewer service have been paid prior to such termination, but in the event the customer or user is in arrears, then such deposits shall be used in whole or in part in liquidation of such charges in arrears. (Ord. #__, Jan. 1962, modified)

18-107. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

When boring is necessary to set a new meter, the customer will be charged and pay the actual cost of boring. (Ord. #__, Jan. 1962, as amended by Ord. #93-11, Feb. 1994)

18-108. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00

4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (Ord. #__, Jan. 1962)

18-109. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality. (Ord. #__, Jan. 1962)

18-110. Billing. Bills for residential water service will be rendered monthly.

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

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

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

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. Adjustment of bills will be done by following a written policy as from time to time shall be adopted by the board of mayor and aldermen. (Ord. #__, Jan. 1962, as amended by Ord. #94-08, June 1994)

18-111. Discontinuance or refusal of service. The governing body shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.

(2) The customer's application for service.

(3) The customer's contract for service.

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

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (Ord. #__, Jan. 1962)

18-112. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the municipality before service is restored. (Ord. #__, Jan. 1962)

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (Ord. #__, Jan. 1962)

18-114. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #__, Jan. 1962)

18-115. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (Ord. #__, Jan. 1962)

18-116. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #__, Jan. 1962)

18-117. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #__, Jan. 1962)

18-118. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (Ord. #__, Jan. 1962)

18-119. Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (Ord. #__, Jan. 1962)

18-120. No free water service.

No water service or private fire protection service shall be furnished or rendered free of charge to any person, firm or corporation. (Ord. #__, Jan. 1962)

18-121. Damages to property due to water pressure.

The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (Ord. #__, Jan. 1962)

18-122. Cut-off/cut-on fee.

A cut-off fee and cut-on fee of twenty-five dollars (\$25.00) shall be required from each customer for the service of cutting off and cutting on their water service. (Ord. #__, Jan. 1962, modified)

18-123. Restricted use of water.

In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (Ord. #__, Jan. 1962)

18-124. Interruption of service.

The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (Ord. #__, Jan. 1962)

18-125. Schedule of rates.

All water furnished by the municipality shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (Ord. #__, Jan. 1962)

¹Administrative ordinances and resolutions are of record in the office of the
(continued...)

18-126. Fluoridation of water supply. The Water Department of the Town of Cornersville Tennessee, is hereby authorized and instructed to make plans for the fluoridation of the water supply of Cornersville, Tennessee, to submit such plans to the Department of Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the Water Department of the Town of Cornersville, Tennessee. (Ord. #__, June 1967)

(...continued)
city recorder.

CHAPTER 2

SEWER USE ORDINANCE

SECTION

- 18-201. Definitions.
- 18-202. Requirements for proper sewage disposal.
- 18-203. Building sewers permits and proper connections.
- 18-204. Prohibitions and limitations on wastewater discharges.
- 18-205. User compliance with waste discharge standards.
- 18-206. Major industrial discharge permit system.
- 18-207. Charges and fees (user charge system).
- 18-208. Enforcement procedures and penalties.
- 18-209. Schedule of rates and charges.
- 18-210. Billing.

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

(1) "The Act" means Federal Water Pollution Control Act Amendment of 1972, also known as the Clean Water Act, (33 U.S.C. 1251 et. seq.), and subsequent amendments.

(2) "Board" shall mean the Board of Mayor and Aldermen of the Town of Cornersville, Tennessee.

(3) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(4) "Building drain" shall mean:

(a) That part of the lowest horizontal piping of a constructed drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of a building, conveying the discharge to the building sewer and at the point which it connects to the building sewer, or

(b) For new construction, the length of the building drain shall be no more than five (5) feet (1.5 meters) in length from the building.

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

(6) "C.O.D." (denoting chemical oxygen demand) shall mean the quantity of oxygen utilized in the oxidation of organic matter to carbon dioxide and water expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(7) "Town judge" means that person appointed by the Town of Cornersville Board of Mayor and Aldermen to constitute town court and to try all persons charged with violation of the ordinances of the town.

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

(9) "Compatible pollutant" shall mean such pollutants as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants as are now and may be in the future specified and controlled in the town's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

(10) "EPA" shall mean the Environmental Protection Agency, an agency of the United States, or where appropriate, the term may be used as a designation for the administrator or other duly authorized official of said agency.

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

(12) "Grab sample" shall mean single sample which is taken from a waste stream on a one-time basis from one sampling point.

(13) "Incompatible pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(14) "Industrial user" shall mean a source of discharge which introduces pollutants into the sanitary sewer from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

(15) "Industrial wastes" shall mean liquid wastes resulting from industrial and manufacturing processes and/or trade and business establishments, as distinct from sanitary wastewater.

(16) "Interference wastes" shall mean inhibition or disruption of the sewer systems, treatment processes or operations (including sludge treatment and disposal processes) which contributes to the violation of any requirements of the town's NPDES permit.

(17) "Major industrial user" shall mean any user which meets or exceeds any of the following criteria:

(a) A non-governmental user which discharges a waste whose characteristics are greater than any of the following:

Flow	Suspended Solids
BOD	Oil and Grease
COD	
TKN	
NH ₃ -N	

25,000 gallons per day
 62 lbs/day
 125 lbs/day
 12 lbs/day
 6 lbs/day
 62 lbs/day
 21 lbs/day

(b) A nongovernmental user whose industrial wastes contain toxic pollutants, hazardous materials or are subject to "National Pretreatment Standards: Categorical Standards"; and

(c) All commercial users of EPA funded individual systems.

(18) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality and quantity.

(19) "National Pollutant Discharge Elimination System" or "NPDES Permit" shall mean a permit for treated wastewater discharge issued to the town pursuant to Section 402 of the Act.

(20) "National pretreatment standard" or "pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to industrial users. These standards are further segregated as:

(a) "National pretreatment standards: Prohibited discharges"

- establishes prohibitions on pollutants introduced into the sanitary sewer system pursuant to 40 CFR Section 403.5 and applies to all industrial users.

(b) "National pretreatment standards: Categorical standards"

- specifies quantities or concentrations of pollutants or pollutant properties which may be discharged to the sanitary sewer pursuant to 40 CFR Section 403.6 and applies only to specific industrial categories.

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

(22) "New source" shall mean any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commenced:

(a) After proposal of pretreatment standards in accordance with Section 307(c) of the Act which are applicable to such source; or

(b) After proposal of pretreatment standards in accordance with Section 307(c) of the Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 307(c) within 120 days of their proposal.

(23) "Notice" shall mean notice by certified mail return receipt requested or service by a police officer.

(24) "Owner" shall mean the person having control of the property serviced or to be serviced by the town's wastewater system.

(25) "Pass through" shall mean the discharge of pollutants through the treatment system into a natural outlet in quantities or concentrations which are a cause of or significantly contribute to any violation of the NPDES permit, this includes pollutants subject to "National Pretreatment Standards: Categorical Standards".

(26) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or the legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(27) "pH" means the hydrogen ion activity of a solution and is expressed as the logarithm of the reciprocal of the hydrogen ion activity in moles per liter at a given temperature.

(28) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(29) "Pretreatment facility" or "pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the treatment system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

(30) "Pretreatment requirement" shall mean any substantive or procedural requirement related to pretreatment other than a national pretreatment standard, imposed on an industrial user.

(31) "Process water" shall mean "industrial wastes" as described in this section.

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

(33) "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works as defined by Section 212 of the Act, which is owned by a municipality. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(A) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(34) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment works to maintain the capacity and

performance for which such works were designed and constructed. The term operations and maintenance includes replacement.

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

(36) "Sanitary wastewater" shall mean liquid wastes discharges from: the sanitary conveniences at dwellings (including apartment houses and motels), office buildings, industrial plants, or institutions and from the noncommercial preparation, cooking and handling of food, as distinct from industrial wastes.

(37) "Sewage" or "wastewater" shall mean a combination of the water carried wastes from residences, business building, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

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

(39) "Shall" is mandatory; "May" is permissive.

(40) "Slug" shall mean wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

(41) "Standard Industrial Classification" or "SIC" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

(43) "Superintendent" shall mean the person appointed by the board of mayor and aldermen.

(44) "Suspended solids" shall mean the total suspended matter that is in suspension or floating on the surface in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in terms of weight and concentration (milligrams per liter (mg/l)).

(45) "Town" shall mean the Town of Cornersville.

(46) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(47) "Twenty-four hours, flow proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow to combine to form a representative sample.

(48) "Useful life" shall be the estimated period during which a treatment works will be operated.

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

(50) "User charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works.

(51) "Wastewater treatment works" shall mean all facilities for collecting, pumping, treating and disposal of sewage.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association and the American Water Works Association and the Water Pollution Control Federation. (Ord. #86-01, May 1986, as amended by Ord. #94-05, April 1994)

18-202. Requirements for proper sewage disposal. (1) Disposal of human and animal excrements. It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Cornersville or any area under the jurisdiction of the said town, any human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Requirement of sewer connections. (a) Requirements. Except as provided in (5) of this section, the owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and/or its jurisdictional territory and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within 500 feet of building drain as defined herein.

(b) Private sewage pumping station. Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8 inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in this section, the owner shall provide, at their expense, a private sewage pumping station as provided in § 18-203(6)(h).

(5) Private discharge to receiving stream. The owner of a manufacturing facility may discharge wastewater to the waters of the state provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(6) Private domestic wastewater disposal.

(a) Availability. (i) Where a public sanitary sewer is not available under the provisions of § 18-202(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions set forth hereafter.

(ii) Where a public sewer becomes available, the building sewer shall be connected to said sewer at owner's expense within sixty (60) days after date of official notice to do so.

(b) Requirements. (i) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the superintendent stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the superintendent and Marshall County Health Department.

(ii) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the superintendent and Marshall County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the superintendent and Marshall County Health Department.

(iii) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the superintendent and Marshall County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Town of Cornersville and Marshall County Health Department when the work is ready for final inspection, and before any underground

portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the superintendent and Marshall County Health Department.

(iv) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Health and the Town of Cornersville and Marshall County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(v) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(vi) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the superintendent and Marshall County Health Department. (Ord. #90-08, Sept. 1990)

18-203. Building sewer permits and proper connections.

(1) Sewer connections. No unauthorized user shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the superintendent.

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

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the town. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the town at the time the application is filed.

(3) Cost of sewer connection. Each owner or user shall be responsible and pay for the construction of the building sewer, including the costs of tap fees and/or hookup charges and acquisition of building sewer easements. The owner or user shall indemnify the town for any loss or damage that may directly or indirectly be caused by the construction of the building sewer.

(4) Users per connection. A separate and independent building sewer shall be provided for every building; except where the superintendent approves more than one connection to a septic tank as provided by the requirements of this chapter. No more than three (3) connections shall ever be made to a single septic tank.

(5) Use of existing sewer connection. Old building sewers, particularly existing service line, may be used in connection with new buildings only when

they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) Design consideration for building sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the following requirements:

(a) The minimum size of a building sewer shall be four (4) inches.

(b) The minimum depth of a building sewer shall be eighteen (18) inches.

(c) Four (4) inch building sewers shall be laid on a grade greater than 1/8 inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least 2.0 feet per second.

(d) Slope and alignment of all building sewers shall be neat and regular.

(e) Building sewers shall be constructed only of:

(i) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(ii) Cast iron soil pipe with leaded or compression joints;
(iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or

(iv) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(f) A cleanout shall be located five (5) feet outside of the building, one as it taps onto the utility lateral and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of four (4) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a four (4) inch pipe.

(g) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of building services shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or

installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gas-tight and watertight.

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8 inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(i) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Pollution Control Federal (WPCF) Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) An installed building sewer shall be gas tight and water tight.

(7) Maintenance of building sewers. Each owner or user shall be responsible and pay for the installation and maintenance of the building drain, POTW, grease trap, grinder or other device peculiar to the use of and located on private property. Installation and maintenance shall be according to town's specifications and repairs or replacements shall be as deemed necessary by the superintendent.

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

(9) Design considerations for connecting building and public sewers.

(a) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(b) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected by the superintendent or his authorized representative before the underground portion is covered.

(10) Inspection of building sewers. The applicant for the building sewer permit shall notify the superintendent when the building is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. (Ord. #86-01, May 1986, as amended by Ord. #90-08, Sept. 1990, and Ord. 94-05, April 1994)

18-204. Prohibitions and limitations on wastewater discharges.

(1) Special agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specifically treated subject to any payments or user charges as may be applicable. This special agreement shall be implemented by a "Major Industrial Discharge Permit", § 18-205. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the capability of the sewage works to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit.

(2) Wastes excluded from discharge into Cornersville's sewerage system. All industrial users shall be subject to "National Pretreatment Standards: Prohibited Discharges" as detailed in 40 CFR, section 403.5. In addition, no user shall discharge or allow to be discharged into the sewerage works any of the materials.

(a) Unpolluted waters. This includes uncontaminated storm water, surface water, ground water, roof runoff, subsurface drainage uncontaminated cooling water, or unpolluted industrial process waters to sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the (Tennessee Stream Pollution Control Board). Industrial cooling water or unpolluted process waters may be discharged, on approval of the (Tennessee Stream Pollution Control Board), to a storm sewer, or natural outlet.

(b) Solid or viscous waters. Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interface with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, cannery wastes, bones, hair, hides or fleshings, entrails, whole blood, feathers,

bulk solids, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wool, plastic, tar, asphalt residues, painting residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(c) Explosive mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in an other way to the sewage works or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Controlled materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(d) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(e) Corrosive wastes. Any waste which will cause corrosion or deterioration of the wastewater treatment works. All wastes discharged to the public sewer system must have a pH value in the range of five (5) to nine (9) standard units. Prohibited materials, include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

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

(g) Noxious materials. Noxious or malodorous solids, liquids or gases, which, either single or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(h) Discolored materials. Wastes with objectionable color such as dye waste.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and chemical elements or compounds, phenols, or any other

substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.

(j) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(k) High temperature wastes. Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit, forty (40) degrees Centigrade.

(3) Limitation on wastewater discharges. No person shall discharge or convey, or permit, or allow to be discharged or conveyed to a public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Require unusual attention or expense to handle at the wastewater treatment facilities.

(b) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent.

(c) Violate national pretreatment standards as promulgated by the EPA with appropriate effective dates.

(d) Cause the treatment plant to experience problems with unit operations, sludge handling and disposal options or compliance with its NPDES permit limitations. More specifically, concentrations shall not exceed the amounts as detailed in Table 1 "Protection Criteria Parameters." (TABLE 1 FOLLOWS)

TABLE 1

PROTECTION CRITERIA PARAMETERS

<u>Constituent</u>	<u>Daily Average¹ Concentration (mg/l)²</u>
Compatible Pollutants:	
Biochemical Oxygen Demand	300
Chemical Oxygen Demand	600
Total Suspended Solids	300
Nitrogen (Total Kjeldahl)	60
Fats, Oil and Grease	100

Incompatible Pollutants:

Antimony	5.0
Arsenic	1.0
Boron	1.0
Cadmium	0.02
Chromium (hexavalent)	0.5
Chromium (Total)	2.0
Copper	1.0
Cyanide	1.0
Lead	0.1
Mercury	0.05
Nickel	3.0
Pesticides	BDL ³
Selenium	0.1
Silver	1.0
Zinc	2.0

¹Based on 24-hour flow proportional composite samples.

²Based on design capacity of plant.

³BDL Below Detectable Limit.

TABLE 1 (continued)

(a) Additional constituents shall be added as needed to protect the treatment works.

(b) Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this chapter.

(c) "Slugs", as defined in § 18-201(40) shall be avoided.

(d) Wastewater discharges which substantially differ in nature or constituents from the users average discharge shall be prohibited unless prior approval is obtained, in writing, from the superintendent.

(e) In the event that the influent at the POTW reaches or exceeds acceptable levels, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW. (Ord. #86-01, May 1986)

18-205. User compliance with waste discharge standards.

(1) Regulatory actions. Disposal into the sewer system by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and contain the substances or possess the characteristics enumerated in § 18-204 or the criteria established by the federal government on discharge of toxic and hazard materials or violates the treatment facilities protection criteria and which in the judgement of the superintendent and/or the Division of Water Quality Control, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Require a "Major Industrial Discharge Permit" as described in § 18-206.

(b) Prohibit the discharge of such wastewater; this includes the right to disconnect the users connection with sewer system, (§ 18-208(2)).

(c) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(d) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(e) Require grease, oil, and sand interceptors (separation facilities) when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(f) Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the town for handling and treating excess loads imposed on the treatment system.

(g) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the superintendent, or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

(a) Copying any records required to be kept under provisions of this chapter;

(b) Inspecting any monitoring equipment or method; and

(c) Sampling any discharge of wastewater to the treatment works. The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or state health department representatives may also enter upon properties or premises but only when accompanied by the superintendent.

(3) Personal injury. While performing work on private property, the town's superintendent and employees shall observe all safety rules applicable to the premises established by the owner/user; if such safety rules are made known to the town's superintendent and/or employees. The owner/user shall be held harmless for the injury or death of town employees and the town shall indemnify the owner/user against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the owner/user and growing out of the gauging and sampling operation, except as may be caused by negligence of the owner/user to maintain safe conditions.

(4) Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or

operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the superintendent for review, and shall be approved by him before construction of the facility, except as provided in the "Major Industrial Discharge Permit". Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(5) Reporting of accidental discharge. If for any reason a facility does not comply with or will be unable to comply with any prohibition or limitations in this chapter or the users permit, the facility responsible for such discharge shall immediately notify the superintendent so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible facility within five (5) days of the occurrence of the noncomplying discharge. (Ord. #86-01, May 1986, as amended by Ord. #94-05, April 1994)

18-206. Major industrial discharge permit system. (1) Wastewater discharge permits required. All major industrial users (as defined in § 18-201) proposing to connect to or discharge into any part of the wastewater treatment system must first obtain a discharge permit. [All existing major users connected to or discharging to any part of the town system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this ordinance]. The superintendent has final authority on who qualifies as a "major industrial user".

(2) Permit application. Users seeking a wastewater discharge permit shall complete and file with the superintendent an acceptable application. In support of this application, the user shall submit the following information:

(Note: the superintendent may, on a case by case bases, either require additional information or delete certain requirements at his discretion).

- (a) Name, address, and SIC number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including, but not limited to, those set forth in § 18-204 and Table 1 of this chapter, as determined in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater";
- (d) Location of discharge point(s), accompanied with appropriate sketches;
- (e) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Other information that may be defined by the superintendent for reasonable evaluation of the permit application.

The receipt by the town of a prospective customer's application for wastewater discharge permit shall not obligate the town to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the town's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the town to the applicant of such service.

(3) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the town. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Permit conditions will include the following:

(a) The average and maximum wastewater constituents and characteristics;

(b) Limits on rate and time of discharge or requirements for flow regulations and equalizations;

(c) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs;

(d) Requirements for maintaining and submitting discharge reports and plant records relating to wastewater discharges;

(e) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;

(f) Compliance schedules;

(g) Other conditions to ensure compliance with this chapter.

(4) Duration of permits. Permits shall be issued for a specified time period, not to exceed four (4) years, unless obligated by prior contractual agreement. If the user is not notified by the superintendent thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for 24 months. The terms and conditions of the permit may be subject to modification and change by the superintendent during the life of the permit.

The user shall be informed of any proposed changes in his permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(6) Revocation of permit. Any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include but are not limited to the following:

(a) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(b) Obtaining a permit by misrepresenting or failing to disclose fully all relevant facts;

(c) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(e) Violation of terms and conditions of the permit.

(7) Permit appeal procedure. An industry shall have the right to appeal all items established in the discharge permit. The procedure shall be as follows:

A written notice signed by the person in charge of the industry seeking an appeal hearing, shall be delivered by registered mail to the superintendent outlining the permit provisions which the user wishes to appeal. The superintendent shall then have thirty (30) days from the time of receipt of the notice to notify the Tennessee Department of Health and the Cornersville board of mayor and aldermen that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions rendered by the superintendent. Any decisions which in the judgement of the user are inappropriate may be appealed to the Cornersville board of mayor and aldermen by filing a written notice with said board within fourteen (14) days after completion of the first hearing. The board of mayor and aldermen shall have then forty-five (45) days in which to notify the Tennessee Department of Health that a grievance still exists, and to convene a meeting of the board to hear all unresolved grievances and issue appropriate decisions. The user and/or superintendent shall have the right to appeal any and all decisions to the Tennessee Department of Health. Exemptions or variances of the

protection criteria established for the system shall not be granted during this appeal procedure.

Nothing in this section shall affect a person's right to appeals provided by state law. (Ord. #86-01, May 1986)

18-207. Charges and fees (user charge system). (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the Town of Cornersville which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the Town of Cornersville. These charges and fees shall be recovered through the user classification established below.

(2) Classification of user. All users shall be classified by the superintendent either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics.

(3) Types of charges and sewer fees. The charges and fees as established in treatment works schedule of charges and fees, may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring requested by user;
- (c) Fees for permit applications;
- (d) Appeal fees;
- (e) Charges and fees based on wastewater constituents and characteristics;
- (f) Fees for use of garbage grinders;
- (g) Fees for holding tank wastes.

(4) Basis of determination of charges. Charges and fees may be based upon a minimum basic charge for each premise, computed on the basis of "normal wastewater" from a domestic premise with the following characteristics:

BOD ₅	300 milligrams per liter
COD	600 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter

Suspended Solids	300 milligrams per liter
Fats, Oil and Grease	100 milligrams per liter

The charges and fees for all classifications of users other than the basic domestic premise shall be based upon the relative difference between the average wastewater constituents and characteristics of that classification as related to those of a domestic premise.

The charges and fees established for permit users shall be based upon the measured or estimated constituents and characteristics of the wastewater discharge of that user which may include, but not be limited to, BOD, COD, SS, NH₃ as N, chlorine demand, and volume.

(5) User charges. Each user shall be levied a charge for payment of bonded indebtedness of the treatment system and for that user's proportionate share of the operations and maintenance costs of the system. A surcharge will be levied against those users with wastewater that exceeds the strength of "Normal Wastewater".

The user charge will be computed from a base charge plus a surcharge. The base charge will be the user's proportionate share of the costs of operation and maintenance (O&M) including replacement for handling its periodic volume of "Normal Wastewater".

(a) Operation and maintenance user charges. Each user's share of operation and maintenance costs will be computed by the following formula:

$$Cu = \frac{Ct}{Vt} X (Vu)$$

Where:

Cu	=	User's charge for O & M per unit of time.
Ct	=	Total O & M cost per unit of time.
Vt	=	Total volume contribution from all users per unit of time.
Vu	=	Volume contribution from a user per unit of time.

Operation and maintenance charges may be established on a percentage of water use charge only in the event that water use charges are based on a constant cost per unit of consumption.

(b) Surcharges. The surcharge will be the user's proportionate share of the O & M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, and/or other elements in "Normal Wastewater" including "toxic wastes". The amount of the surcharge shall be determined by the following formula:

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] V_u$$

Where:	C_s	=	Surcharge for wastewaters exceeding the strength or "normal wastewater" expressed in dollars per billing period.
	B_c	=	O & M cost for treatment of a unit of BOD_5 expressed in dollars per pound.
	B	=	Concentration of BOD_5 from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
	S_c	=	O & M costs for treatment of a unit of suspended solids expressed in dollars per pound.
	S	=	Concentration of suspended solids from a user above the base level of 2.50 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
	P_c	=	O & M cost for treatment of a unit of any pollutant which the publicly-owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.
	P	=	Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.
	V_u	=	Volume contribution of a user per billing period. (Expressed in thousands of gallons).

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary; but in no case less frequently than annually.

(6) Notification. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(7) Biennial review of operation and maintenance charges. The Town of Cornersville shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The town shall revise the charges for users or user classes to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(8) Appeal procedure. An owner or user shall have the right to appeal any and all charges and fees assessed against him. The procedure shall be as follows:

A written notice, signed by the owner or user seeking an appeal hearing, shall be delivered by certified mail to the superintendent outlining the fees and charges which the user wishes to appeal. The superintendent shall then have thirty (30) days from the time of receipt of the notice to notify the Tennessee Department of Health and the board that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged shall be discussed, and appropriate decisions rendered by the superintendent. Any decisions which in the judgment of the owner or user are incorrect may be appealed to the board by filing notice with the board within fourteen (14) days after Superintendent's decision. The board shall then have forty-five (45) days in which to notify the Tennessee Department of Health that a grievance still exists, and to convene a meeting of the board to hear all unresolved matters and render its decision. The owner/user or the superintendent shall have the right to appeal any and all decisions to the Environmental Protection Agency and/or court having jurisdiction.

(9) Wastewater characteristics. The wastewater characteristics of each industrial user shall be determined by monitoring or where monitoring is not feasible, wastewater characteristics may be estimated using historical records, data from similar industrial users, etc. After initiation of the charges and fee system, major industrial users shall be monitored on a regular basis, not less often than annually. Monitoring of minor industries may be done intermittently. The Town of Cornersville has developed a definition of major and minor industry and a monitoring program for each which reflects its relative impact on the cost of construction of the treatment works (such information is available at the superintendent's office). Monitoring shall be conducted during periods of normal discharge. (Ord. #86-01, May 1986, as amended by Ord. #94-05, April 1994)

18-208. Enforcement procedures and penalties. (1) Violations. Any user found to have violated or to be violating any provision limitation or requirement of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit not to

exceed thirty (30) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all such violations.

It shall be a violation of this chapter for any person to use the town's wastewater system without paying the charges and fees established from time to time by the board. In the event a person's water service has been discontinued for any reason, that person shall be charged and pay for the use of the wastewater system and amount equal to the average of six (6) months sewer billings immediately preceding the discontinuance of water service. It is the intent of this chapter that all persons pay for their use of the town's wastewater system. The payment of such charge shall not prevent the town from seeking penalties hereinafter provided for.

(2) Penalties. Any user who is found to have violated an order of the town or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall pay a penalty not less than fifty and 00/100 dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day in which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

The superintendent shall have the authority to discontinue service to those users that persistently violate any requirements of this chapter.

(3) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

(4) Expenses incurred. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage incurred by the town by reason of such violation.

(5) Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. All violators will be subject to civil and criminal prosecution. (Ord. #86-01, May 1986, as amended by Ord. #94-05, April 1994)

18-209. Schedule of rates and charges.

CATEGORY	INSIDE
Tap Fee	\$250.00
Base Charge	\$5.50
Per 1,000 GALS:	
1st 2,000 GAL	\$4.25
Next 3,000 GAL	\$4.65
Next 5,000 GAL	\$5.00
Next 5,000 GAL	\$5.15
Over 15,000 GAL	\$5.25

(Ord. #91-05, Sept. 1991)

18-210. Billing. Adjustment of bills will be done by following a written policy as from time to time shall be adopted by the board of mayor and aldermen. (Ord. #94-08, June 1994)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Cross connections policy.
- 18-302. Inspections required.
- 18-303. Right of entry for inspections.
- 18-304. Violations.

18-301. Cross connections policy. The town shall adopt a cross connection policy which shall include any physical arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections. (Ord. #89-05, March 1989, modified)

18-302. Inspections required. It shall be the duty of the Superintendent of the Public Water System to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of the Cornersville Public Water System and as approved by the Tennessee Department of Health. (Ord. #89-05, March 1989)

18-303. Right of entry for inspections. The superintendent or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Cornersville Public Water System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access,

¹Municipal code references

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

when requested, shall be deemed evidence of the presence of cross connections. (Ord. #89-05, March 1989)

18-304. Violations. The requirements contained in the town's policy shall apply to all premises served by the Cornersville Public Water System whether located inside or outside of the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Cornersville corporate limits. (Ord. #89-05, March 1989, modified)

TITLE 19

ELECTRICITY AND GAS

[RESERVED FOR FUTURE USE]

TITLE 20

MISCELLANEOUS

[RESERVED FOR FUTURE USE]

ORDINANCE NO. 97-19**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF CORNERSVILLE TENNESSEE.**

WHEREAS some of the ordinances of the Town of Cornersville are obsolete, and

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

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

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF CORNERSVILLE, TENNESSEE, THAT:

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

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

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

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."¹

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the

¹State law reference

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

workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

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

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

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

Section 10. Definitions. As used in this municipal code, the following words shall mean:

- (a) "Administrator" shall mean the administrator referred to in Section 23 of the town's charter and Section 1-401, et seq. of this code;
- (b) "Alderman," "aldermen" or "alderperson" shall mean those persons elected and qualified pursuant to Section 6 of the town's charter at the time the action is taken;
- (c) "Attorney" shall mean the attorney referred to in Section 28 of the town's charter;
- (d) "Board" shall mean the board of mayor and aldermen referred to in the town's charter, Section 2, and Section 1.01 of this code;
- (e) "Business hours" shall mean the hours between 8:00 a.m. and 4:30 p.m. Monday-Friday, except for nationally recognized holiday;
- (f) "Charter" shall mean the Charter of the Town of Cornersville, Tennessee;
- (g) "Corporate Limits" shall mean the town's corporate boundaries as they now are or any boundaries of areas hereinafter annexed by the town;
- (h) "Judge" shall mean the person appointed by the board to serve as town judge pursuant to Section 27 of the town's charter and Section 3-101 of this code;
- (i) "Mayor" shall mean the person elected in accordance with Section 8 of the town's charter and having the powers enumerated in Section 1-201, et seq. of this code;
- (j) "Person" shall mean any individual, firm, corporation, partnership, joint venture or any group of individuals and/or corporations, partnerships or joint ventures whether individually, jointly or by any other name or descriptive name attempting to avail himself, themselves or itself of the privileges or duties of citizens/residents of the town;
- (k) "Police" shall mean any member of the town's police department, or where applicable, any law enforcement officer of the United States, State of Tennessee or Marshall County, Tennessee;
- (l) "Recorder" shall mean the person referred to in Section 2.5 of the town's charter and Section 1-501, et seq. of this code;
- (m) "State" shall mean the State of Tennessee; and
- (n) "Town" shall mean the Town of Cornersville, Tennessee.

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 that date.

Passed 1st reading, Dec 4, 1997

Passed 2nd reading, Feb 5, 1998.

Passed 3rd reading, May 7, 1998.

Mary Ann Peters
Mayor

Lynn Manning
Recorder

I, Lynn Manning, certify this to be a true and exact copy of a original.

Lynn Manning
Lynn Manning