

**THE
DYERSBURG
MUNICIPAL
CODE**

Prepared by the



Municipal Technical Advisory Service
In cooperation with the Tennessee Municipal League

March 1998

CITY OF DYERSBURG, TENNESSEE

MAYOR

John Holden

ALDERMEN

Kevin Chaney
Freeman Dudley
Bob Kirk
Charles McRight
Dennis Moody
Lewis Norman
Shannon Walker
Bart Williams

RECORDER

Gleyn T. Twilla

PREFACE

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

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

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

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

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

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

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

The able assistance of Sandy Selvage, the MTAS Senior Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE
CITY CHARTER¹**

¹The charter of the City of Dyersburg contains no provisions on ordinance adoption procedures.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.
4. TREASURER.
5. CODE OF ETHICS.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

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

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. on the first and third Mondays of each month at the Municipal Courtroom. (1978 Code, § 1-101, 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

Building, plumbing, electrical and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: § 27.

Oath of office: § 7.

Powers: § 7.

Term of office: § 4.

Vacancies in office: § 7.

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, aldermen and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1978 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1978 Code, § 1-103, modified)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises city's affairs; hires and fires.

1-202. Executes city's contracts.

1-203. To be bonded.

1-201. Generally supervises city's affairs; hires and fires. The mayor shall have general supervision of all the affairs of the city and may require such reports from the officers and employees of the city as he may reasonably deem necessary to carry out his executive responsibilities. The mayor may have authority to hire and fire city employees, with such action being subject to appeal to the board of mayor and aldermen. (1978 Code, § 1-201)

1-202. Executes city's contracts. In accordance with § 17 of the charter, the mayor and recorder shall execute all contracts as authorized by the board of mayor and aldermen. (1978 Code, § 1-202)

1-203. To be bonded. The mayor shall be bonded in the sum of one hundred thousand dollars (\$100,000), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office.

¹Charter references

Compensation: § 27.

Duties: § 8.

Oath of office: § 7.

Qualifications: § 8.

Term of office: § 4.

Vacancy in office: § 7.

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in the sum of one hundred thousand dollars (\$100,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1978 Code, § 1-301, modified)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1978 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1978 Code, § 1-303)

¹Charter references

Compensation: § 27.

Duties: § 13.

CHAPTER 4

TREASURER¹

SECTION

1-401. To be bonded.

1-402. To maintain records of finances, etc.

1-401. To be bonded. The treasurer shall be bonded in the sum of one hundred thousand dollars (\$100,000), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office.

1-402. To maintain records of finances, etc. The treasurer shall have the duty to make sure that no money shall be drawn from the treasury by anyone except for purchases and expenditures of the municipality which have been approved by the corporation in accordance with the provisions found in the charter and the general state laws. The treasurer shall maintain records of the finances of the municipality including statements of income and disbursements of corporate funds in accordance with generally accepted accounting principles.

¹Charter references

Compensation: § 27.

Duties: § 18.

Term of office: § 6.

CHAPTER 5

CODE OF ETHICS

SECTION

- 1-501. Applicability.
- 1-502. Definitions.
- 1-503. Conflict of interest.
- 1-504. Disclosure of personal interest.
- 1-505. Acceptance of gifts and other things of value.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations.

1-501. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #BB-591, June 2007)

1-502. Definitions. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

(1) "Municipal" and "municipality" means the City of Dyersburg, Tennessee which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the city or an official of the City of Dyersburg and specifically including the Dyersburg Board of Education, the Dyersburg Electric System and the Dyersburg Housing Authority.

(2) "Nominal amount" means the sum of one hundred dollars (\$100.00) per event and the sum of two hundred fifty dollars (\$250.00) per source per calendar year, which amounts are stated in 2007 dollars and shall be adjusted annually to reflect changes in the consumer price index of the United States Government.

(3) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.

(4) "Personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse or child living at home.
- (5) "Employment interest" includes any situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised. (as added by Ord. #BB-591, June 2007)

1-503. Conflict of interest. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #BB-591, June 2007)

1-504. Disclosure of personal interest. Any official or employee who must exercise discretion relative to any matter, whether it is a voting matter or a non-voting matter, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion when possible, should disclose the personal interest on the disclosure form and file it with the recorder. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #BB-591, June 2007)

1-505. Acceptance of gifts and other items of value. An official or employee or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of an act, that he or she would be expected to perform, or refrain from performing, in the regular course of his or her duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.
- (3) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of municipal government officials or by an umbrella or affiliate organization of such statewide association of municipal government officials.

(4) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screening, amenities, foodstuffs, beverages or other non-monetary items that are provided or sponsored by an organization or person if the value of such items is reasonably determined not to exceed the nominal amount; provided further, if the value of such items received is reasonably determined to exceed the nominal amount, an official or employee does not violate this policy as long as such official or employee discloses receipts of such items on the disclosure form and files the disclosure form with the recorder prior to exercising discretion relative to the matter. (as added by Ord. #BB-591, June 2007)

1-506. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #BB-591, June 2007)

1-507. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality. (as added by Ord. #BB-591, June 2007)

1-508. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the general law, or ordinance or policy of the municipality. (as added by Ord. #BB-591, June 2007)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #BB-591, June 2007)

1-510. Ethics complaints. (1) The legal firm of Jones, Hamilton and Lay PLC is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of

this chapter, the legal firm of Jones, Hamilton and Lay PLC may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

(3) The legal firm of Jones, Hamilton and Lay PLC may request that the governing body hire another attorney, individual, or entity to act as ethics officer in a particular matter.

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

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

(6) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #BB-591, June 2007)

1-511. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #BB-591, June 2007)

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

1. CITY BEAUTIFUL COMMISSION.
2. ELECTRIC POWER BOARD.
3. REGIONAL PLANNING COMMISSION.

CHAPTER 1**CITY BEAUTIFUL COMMISSION****SECTION**

- 2-101. Creation, membership, and organization.
- 2-102. Duties and powers.
- 2-103. Semiannual reports.

2-101. Creation, membership, and organization. There is hereby created and established a city beautiful commission which shall be composed of not more than fifteen (15) members. Such members shall be of lawful age and shall be residents of this municipality. They shall be appointed by the mayor to serve at his pleasure without compensation. To aid the city beautiful commission in carrying out its duties and powers, which are set forth hereinafter, it shall have such organization and officers as the membership shall from time to time decide upon. (1978 Code, § 1-701)

2-102. Duties and powers. The duties and powers of the commission shall be to study, investigate, develop, and carry out plans for improving the health, sanitation, safety, and cleanliness of the city by beautifying the streets, highways, alleys, lots, yards, and other similar places in the city; to aid in the prevention of fires, diseases, and other casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots, and other similar places; to encourage the placing, planting, and preservation of trees, flowers, plants, shrubbery, and other objects of ornamentation in the city; to protect song birds and other wild fowl; to advise with, and recommend plans to, other agencies of the city for the beautification of the city, and otherwise to promote public interest in the general improvement of the appearance of the city; provided, however, that nothing herein shall be construed to abridge or change the powers and duties of the other commissions, departments, boards, and like agencies of the city. (1978 Code, § 1-702)

2-103. Semiannual reports. It shall be the duty of the city beautiful commission, on the first day of January and July of each year, to file with the mayor of the city, a written report of the work performed and results accomplished. (1978 Code, § 1-703)

CHAPTER 2

ELECTRIC POWER BOARD¹

SECTION

2-201. Electric power board.

2-201. Electric power board. An electric power board is hereby constituted and established for the purpose of taking and having supervision and control of the improvement, operation, and maintenance of the City of Dyersburg's electric transmission distribution systems. The electric power board shall be the supervisory body of the electric transmission and distribution systems and shall have all the powers and duties which are or shall be conferred upon such board or supervisory body by the laws of Tennessee, including, but not limited to, the provisions of the Municipal Electric Plant Act, the same being the Pub. Acts 1935, ch. 32 as amended by subsequent Public Acts of the General Assembly. The term "electric transmission and distribution systems" shall be understood to be all that plant, buildings, supplies, and materials on hand, and the electric transmission and distribution systems as is set up on the books of the electric power board, as a result of the inventory being taken by the Tennessee Valley Authority in cooperation with the City of Dyersburg. The control and supervision of the electric power board shall be over the property set up on the books of the electric power board, as a result of said inventory, together with all additions, extensions and improvements thereto hereafter made and any other property that may from time to time be transferred to the City of Dyersburg to the power board.

The power board is authorized, in the name of the City of Dyersburg, to own, supervise, and operate telecommunications systems, cable systems, production facilities, and power generation facilities for the benefit of the general public. The power board is further authorized to negotiate contracts for power in the name of the City of Dyersburg, for the benefit of the general public.

The board hereby constituted shall consist of four (4) members with fixed terms and one (1) member who shall be also a member of the board of mayor and aldermen of Dyersburg and who shall serve as the fifth member of the electric power board. The five members of the electric power board shall be appointed as provided by the Municipal Electric Plant Act, section 13, and for the terms of office therein specified.

¹Municipal code references

Electrical code: title 12.

Fire code: title 7.

The electric power board shall assume its powers and duties on July 1, 1957. (1978 Code, § 13-401, modified)

CHAPTER 3

REGIONAL PLANNING COMMISSION¹

SECTION

2-301. Creation, organization, and powers, etc.

2-301. Creation, organization, and powers, etc. The creation, membership, organization and powers of the regional planning commission are set forth in title 14, chapter 1 of this code, infra.

¹Municipal code reference

Regional planning commission: title 14, chapter 1.

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. (1) Prior charter provisions. Any portion of section 9 of the Charter of the City of Dyersburg relative to the City Judge of Dyersburg, Tennessee, which is inconsistent with the provisions of this ordinance² are hereby declared to be ineffective due either to their unconstitutionality as decreed by the Supreme Court of Tennessee in the case of The State of Tennessee, by and through the Town of South Carthage, Tennessee v. Chester Barrett, as filed September 28, 1992, or their supersession by this ordinance.

(2) Municipal court. In accordance with the Public Act, City Court and City Judge of the General Assembly of the State of Tennessee, the Municipal Court of the City of Dyersburg shall be established and administered in the following manner.

(a) Number of judges. The board of mayor and aldermen ("board") shall establish from time to time, by ordinance, the number of persons who shall serve as city judge. By this ordinance such number is established as one (1).

(b) Qualifications and term. All persons serving as city judge shall meet the qualifications established by Article VI, Section 4 of the Tennessee Constitution, to-wit: they shall be thirty (30) years of age, shall before their election have been a resident of the State of Tennessee

¹Charter reference: § 9.

²Ordinance #B-394.

for five (5) years and of the city for one (1) year, and shall be elected by the qualified voters of the city for a term of service of eight (8) years,

(i) Except for certain instances in which a person (s) may be appointed as city judge for a term which shall expire after the next applicable regular August general election, and

(ii) Except for any initial term of elected service which may be shorter, all as provided hereinafter.

(c) Jurisdiction and powers. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city and concurrently with the Court of General Sessions of Dyer County, Tennessee, for violation of the criminal laws of the state. Costs in trials of offenses against the ordinances of the city shall be provided by ordinance. Costs in other matters shall be as established under general law of the State of Tennessee. The city judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power to punish for contempt by fine or confinement not exceeding the limits provided by general law.

(d) Bail. The bail of persons arrested and awaiting trials and persons appealing the decision of a city judge shall be fixed by the city judge and upon such security as in his discretion he deems necessary or as otherwise may be provided by ordinance or general law.

(e) Separation of powers. The city judge shall be the exclusive judge of the law and facts in every case before him and no official or employee of the city shall attempt to influence his decision except through pertinent facts presented in court.

(f) Popular election of judge. The city judge shall be popularly elected, as hereinafter provided, subject to the provisions for initial appointments as provided for herein and appointments to fill any vacancy.

(g) Term, election procedure. The term of office of city judge shall be eight (8) years, except for any initial term that may be shorter as provided herein. Upon this ordinance becoming effective,¹ the board may appoint a qualified person to serve in the position of city judge until the next regular August general election. The first city judge popularly elected pursuant to this ordinance and state law shall be elected at the next regular August general election that takes place at least thirty (30) days after this ordinance becomes effective. The person elected at the aforesaid election shall serve only until replaced by a successor to be chosen at the next regular judicial election held in accordance with

¹Ordinance #BB-394 was passed on April 19, 1993.

Article 7, Section 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this ordinance and general law shall be held in accordance with Article 7, Section 5 of the Tennessee Constitution.

(h) Vacancy. A vacancy in the office of city judge shall be filled by appointment by the board. The person appointed, however, may serve only until the next regular August general election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not to be filled at such election. In the temporary absence or inability of a city judge, the board shall appoint a qualified person to serve until the judge's return.

(i) Compensation. The salary and any other benefits relating to the office of city judge shall be established by the board by ordinance prior to the commencement of the term of office and shall not be increased nor diminished during such term. The salary for the office of city judge is hereby fixed at fifteen thousand dollars (\$15,000.00) annually. The salary shall be paid monthly from the general fund of the city. In addition, as part of the compensation relating to the office of city judge, a city judge, if otherwise eligible for coverage under the health and medical benefits plans of the city, shall be afforded the same coverage under such plans, at the expense of the city, as is generally afforded to the other employees of the city.

(j) Records; docket; city clerk. The city does not elect, as permitted by the law of the State of Tennessee to require the city court clerk to be elected. The city court clerk shall have the duty of maintaining all records of the city court in accordance with applicable laws. The board shall require the proper maintenance of the docket of the city court and other records of the court. Subject to general law and the authority of the city judge, the board shall fix the regular time for holding court. (1978 Code, § 1-501)

CHAPTER 2

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city court clerk shall keep a complete docket of all matters coming before the city court. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense(s); disposition; fines and costs imposed, and whether collected; and all other information that may be relevant. (1978 Code, § 1-502, modified)

3-202. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city court clerk on the city court docket in open court. Fines and costs shall be imposed as prescribed by this municipal code and by the laws of the State of Tennessee. (1978 Code, § 1-508, modified)

3-203. Disposition and report of fines and costs. All funds collected by the city court in the form of fines, costs, and forfeitures shall be recorded and paid over daily to the city. At the end of each month the city court clerk or a duly sworn deputy clerk shall submit to the city treasurer a report accounting for the collection or non-collection of all fines and costs imposed by the city court during the month and to date for the current fiscal year. (1978 Code, § 1-511, modified)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1978 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1978 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.¹ The city judge, city court clerk or any duly sworn deputy clerk shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1978 Code, § 1-503, modified)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1978 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge, city court clerk or any duly sworn deputy clerk may subpoena as witnesses all persons whose testimony he or she believes will be relevant and material to matters coming before the city court. It shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1978 Code, § 1-505, modified)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the city court clerk provided that the clerk reasonably believes that the judge will not be present within three (3) hours after the alleged offender has been committed to the city jail. No bail shall be available if such alleged offender is drunk or otherwise in need of protective custody. The judge or clerk may set the amount of bail as prescribed by state law. (1978 Code, § 1-507, modified)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1978 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do

¹State law reference

Tennessee Code Annotated, § 27-5-101.

business in Tennessee or by a property bond as prescribed by state law.¹ (1978 Code, § 1-510, modified)

¹State law reference
Tennessee Code Annotated, § 40-11-122.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. VACATIONS AND SICK LEAVE.
3. MISCELLANEOUS PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
5. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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

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

There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee, or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city.

There is also excluded from this chapter any authority to make any agreement with respect to any position, or any employee, or official, compensation for which is on a fee basis, or any position, or any employee, or official not authorized to be covered by applicable state or federal laws or regulations. (1978 Code, § 1-1301)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1978 Code, § 1-1302)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1978 Code, § 1-1303)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1978 Code, § 1-1304)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1978 Code, § 1-1305)

CHAPTER 2

VACATIONS AND SICK LEAVE

SECTION

4-201. Applicability of chapter.

4-202. Vacation leave.

4-203. Sick leave.

4-204. Leave records.

4-201. Applicability of chapter. This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission. (1978 Code, § 1-1401)

4-202. Vacation leave.¹ All full time, eligible employees will be entitled to vacation according to the following schedule:

<u>Completed Service</u>	<u>Vacation Credit Per Year</u>
After 1 year Active Service	5 days
After 2 years Active Service	10 days
After 10 years Active Service	15 days
After 20 years Active Service	20 days

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment with the city. Vacation leave shall begin to accrue at the end of the first full month of employment but may be taken only after successful completion of the first year of employment. The taking of accrued vacation is subject to the approval of the department head, who shall schedule vacations so as to meet the operational requirements of the department. Vacations must be taken within a year after they are accrued, however a maximum of thirty (30) days may be carried forward to the following anniversary year, subject to the approval of the department head. Upon separation from employment, you will be paid for any unused accrued vacation. (1978 Code, § 1-1402, modified)

¹See the City of Dyersburg Employee Handbook for references to sick leave and vacations.

4-203. Sick leave.¹ Sick leave with pay shall be granted all full-time, eligible employees at the rate of one regular working day for each completed month of service, and may be accrued to a maximum of ninety (90) days. Employees hired on or prior to the 15th of the month shall accrue sick leave for that month; however, employees hired after the 15th of the month shall not accrue sick leave for that month, but shall begin to accrue sick leave beginning the following month. Employees shall accrue sick leave from their employment date (subject to the limitation of the preceding sentence), but shall not be entitled to take sick leave until they have been employed continuously for thirty (30) consecutive calendar days. No payment will be made for accrued sick leave upon separation, except employees hired before March 18, 1991, shall be eligible to be paid for unused sick leave upon separation after twenty years of continuous service.

In order to be granted sick leave with pay, an employee must notify his or her immediate supervisor of the absence and reason for the absence no later than 30 minutes prior to the beginning of the scheduled work day. If requested, the employee must submit a medical certificate signed by a licensed physician certifying that the employee has been incapacitated from work for the period of absence, the nature of the employee's sickness or injury, and that the employee is again physically able to perform his or her duties. An absence of three or more consecutive days, or a third absence without a doctor's certificate within a calendar year, will require a doctor's certificate before an employee is eligible to return to work. (1978 Code, § 1-1403, modified)

4-204. Leave records. The mayor shall cause to be kept, for each officer and employee, a record currently up to date at all time showing credits earned and leave taken under this chapter. (1978 Code, § 1-1404)

¹See the City of Dyersburg Employee Handbook for references to sick leave and vacations.

CHAPTER 3

MISCELLANEOUS PERSONNEL REGULATIONS

SECTION

4-301. Miscellaneous personnel regulations.

4-301. Miscellaneous personnel regulations. The personnel regulations application to city employees are set forth in the City of Dyersburg, Employee Handbook on file with the city recorder. The rules and regulations set forth therein shall be promulgated, revised and amended from time to time by the board of mayor and aldermen in accordance with the laws of the State of Tennessee.

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-401. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Dyersburg. (1978 Code, § 1-1201, as replaced by Ord. #BB-545, Aug. 2003)

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1978 Code, § 1-1202, as replaced by Ord. #BB-545, Aug. 2003)

4-403. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Dyersburg shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Dyersburg whether part-time or full-time, seasonal or permanent. (1978 Code, § 1-1203, modified, as replaced by Ord. #BB-545, Aug. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the City of Dyersburg are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.¹ (1978 Code, § 1-1203, modified, as replaced by Ord. #BB-545, Aug. 2003)

4-405. Variances from standards authorized. The City of Dyersburg may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Dyersburg shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the City of Dyersburg shall be deemed sufficient notice to employees. (1978 Code, § 1-1204, as replaced by Ord. #BB-545, Aug. 2003)

4-406. Administration. For the purposes of this chapter, the safety director is designated as the director of occupational safety and health to

¹State law reference

Tennessee Code Annotated, title 50, chapter 3.

perform duties and to exercise powers assigned so as to plan, develop, and administer the City of Dyersburg Occupational Safety and Health Program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #BB-545, Aug. 2003)

4-407. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Dyersburg City Board. (as added by Ord. #BB-545, Aug. 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Purpose.
- 4-502. Enforcement.
- 4-503. Travel policy.
- 4-504. Travel reimbursement rate schedules.
- 4-505. Administrative procedure guidelines.

4-501. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

In order to provide consistence in travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (1978 Code, § 1-1701)

4-502. Enforcement. The mayor and treasurer shall be responsible for the enforcement of these travel regulations. (1978 Code, § 1-1702)

4-503. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses claims, immediate reimbursement on the part of the authorized traveler is required. It will be the responsibility of the treasurer to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the AUTHORIZATION FOR TRAVEL, FORM T-1.

(5) The TRAVEL EXPENSE REIMBURSEMENT (FORM T-2) will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) directly related to the conduct of the city business for which travel was authorized, and

(b) actual, reasonable, and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (1978 Code, § 1-1703)

4-504. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal travel regulation rates are adjusted.

The municipality may pay direct for travel expenses, including meals, registration fees for conferences, conventions, seminars, and other education programs on behalf of covered officials and employees, providing payment is made direct to the provider and not to the official or employee. (1978 Code, § 1-1704)

4-505. Administrative procedure guidelines. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedure guidelines submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in July, 19, 1993. A copy of the administrative procedures is on file in the office of the city recorder. (1978 Code, § 1-1705)

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

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

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

- 5-101. Official depositories for city funds.
- 5-102. Increase of cap for local sales tax on single item purchases.
- 5-103. Purchasing.
- 5-104. Litigation tax.

5-101. Official depositories for city funds. The official depositories for all city funds shall be any banking institution located within the corporate limits of the City of Dyersburg.

These depositories shall furnish adequate security to protect the interest of the city either by collateral in the form of bonds of the United States government, the State of Tennessee, the County of Dyer, the City of Dyersburg, or some other city in an amount ten per cent (10%) in excess of the deposits, or by a bond in a sum ten per cent (10%) in excess of be approved by the board of mayor and aldermen. The board of mayor and aldermen reserves the right to require additional security at any time it deems such collateral to be inadequate or insufficient to protect the funds of the city. (1978 Code, § 6-101, modified)

5-102. Increase of cap for local sales tax on single item purchases.

(1) The maximum local option sales tax collectible on the sale or use of a single item of personal property as authorized in the resolution of the county legislative body which levied the local option sales tax for Dyer County, of record in Minute Book A-D at page 215, is hereby removed for purpose of the sale or use of any single article of personal property within the corporate limits.

(2) Beginning on the first day of the month occurring thirty (30) or more days after a certified copy of this section is received by the Department of Revenue, the local sales tax at the present rate effective in Dyer County shall

¹Charter references: §§ 13A, 16, 18, 20, 21, and 29.

apply to the first one thousand one hundred dollars (\$1,100.00) on the sale or use of any single article of personal property within the corporate limits.

(3) Nothing herein contained shall be construed to increase the local option sales tax rate heretofore in effect in Dyer County or Dyersburg.

(4) Notice of the meetings for the consideration of this section and that this matter is on the agenda of the meetings has been published at least once in a newspaper of general circulation in the city.

(5) A certified copy of this section shall be transmitted immediately upon adoption to the Department of Revenue of the State of Tennessee by the recorder.

(6) The maximum tax on the sale or use of any single item authorized by this section shall be collected by the State Department of Revenue concurrently with the collection of the state tax and the Dyer County sales tax and in the same manner as these taxes are collected in accordance with the rules and regulations promulgated by the department.

(7) For all purposes except collection of the tax on the increased base, this section shall take effect May 19, 1986. For purposes of collection of the tax on the increased base, this ordinance shall take effect on the first day of the month occurring thirty (30) days after a certified copy is received by the Department of Revenue. (1978 Code, § 6-102)

5-103. Purchasing. The office of Purchasing Agent for the City of Dyersburg, Tennessee, is established and purchasing procedures for the City of Dyersburg, Tennessee, are established as provided by the Municipal Purchasing Law of 1983 as amended in Tennessee Code Annotated, § 6-56-301, et seq., as follows:

(1) As provided in TCA, § 6-56-301, et seq., the office of purchasing agent is hereby created and the city treasurer shall faithfully discharge the duties of said office or appoint an individual to make purchases for the city. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedures approved by the governing body.

(2) The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the city recorder.

(3) After initial approval by resolution of the governing body of this city, changes or revisions to the purchasing procedures shall be made only by resolution. (1978 Code, § 6-103)

5-104. Litigation tax. (1) Effective on the first day of the month following the passage of this section the City of Dyersburg shall impose and there is hereby levied a city litigation tax in an amount not to exceed ten dollars

(\$10.00) per case, and which is less than the current state litigation tax of thirteen dollars and seventy-five cents (\$13.75).

(2) The litigation taxes levied pursuant to this section shall be collected by the city court clerk as part of the costs of the cause and paid to the city treasurer monthly.

(3) Five dollars (\$5.00) of the litigation taxes levied in each case shall be designated to fund the Municipal Court of the City of Dyersburg. All remaining taxes levied pursuant to this section may be designated for the use by the City of Dyersburg, for any lawful municipal purpose. (as added by Ord. #BB-540, March 2003)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

5-202. When delinquent--penalty and interest.

5-201. When due and payable.¹ Taxes levied by the city against real property shall become due and payable annually on the date set in the city charter. (1978 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real property taxes shall become delinquent on the date set in the city charter and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the city charter.³

A penalty of 1½% per month shall be assessed on all delinquent taxes which might be due or owing after January 1, 1983. (1978 Code, § 6-202)

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1978 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1978 Code, § 6-302)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.¹ (1978 Code, § 6-401)

¹State law reference

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

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. JAIL FACILITIES.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

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

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1978 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1978 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a department issued firearm and all other department issued equipment at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1978 Code, § 1-403, modified)

¹Charter reference

Merit system for policemen: § 6A.

6-104. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1978 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1978 Code, § 1-405, modified)

6-106. Disposition of persons arrested.² Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender does not post the required bond, he shall be confined. (1978 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1978 Code, § 1-407)

¹Municipal code reference

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

²Municipal code reference

Court administration: title 3, chapter 2.

CHAPTER 2

JAIL FACILITIES

SECTION

6-201. County jail to be used.

6-201. County jail to be used. Upon express order of the judge of the city court of the City of Dyersburg and/or the chief of police of the City of Dyersburg, prisoners may be committed to the Dyer County jail subject to such contract or arrangement as may be worked out with the county. (1978 Code, § 1-602, modified)

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.
5. FIRE SERVICE OUTSIDE CITY LIMITS.
6. NFPA FIRE CODE.
7. LIFE SAFETY CODE.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include all of those areas designated as "Business B-3 Districts (General Business-Congested)" and "Business B-4 Districts (Intermediate Business)" on the city's zoning map. (1978 Code, § 7-101)

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

CHAPTER 2

FIRE CODE¹

SECTION

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

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,² 1994 edition, with 1995 revisions, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1978 Code, § 7-201, as amended by Ord. #BB-451, Jan. 1997, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1978 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Dyersburg. (1978 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in § 1901.4.2 of the fire prevention code herein adopted, in which storage of explosive materials is prohibited, and the limits referred to in § 902.1.1 of said code, in which storage of flammable or combustible liquids in

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

outside above ground tanks is prohibited, and the limits referred to in § 906.1 of said code, in which new bulk plants for flammable or combustible liquids are prohibited, and the limits referred to in § 1701.4.2 of said code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1978 Code, § 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the "Business B-3 Districts (General Business-Congested)" or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1978 Code, § 7-205)

7-206. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen modifications from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in an amendment to this code or a resolution of the board of mayor and aldermen. (1978 Code, § 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1978 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure of members.

7-306. Chief responsible for training.

7-307. Chief to be assistant to state officer.

7-308. Mutual aid agreements.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the city. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the chief shall appoint.² (1978 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1978 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1978 Code, § 7-303)

¹Charter reference

Merit system for policemen and firemen: § 6A.

Municipal code reference

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

²Charter reference: § 6A.

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1978 Code, § 7-304)

7-305. Tenure of members. Members of the fire department may be suspended or discharged only in accordance with provisions of the city's charter. See particularly § 6A of the charter. (1978 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen. (1978 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1978 Code, § 7-308)

7-308. Mutual aid agreements. (1) The Mayor of the City of Dyersburg, Tennessee, is authorized and empowered to enter into "Mutual Aid Fire Protection Interlocal Cooperation Agreements" on behalf of the City of Dyersburg, Tennessee.

(2) The Mayor of the City of Dyersburg, Tennessee, is designated and directed to be the official representative of the City of Dyersburg, Tennessee, to the joint board created to carry out the power of such agreement as provided therein. (1978 Code, § 7-309)

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Fireworks defined.
- 7-402. Manufacture, sale and discharge.
- 7-403. Bond for fireworks display required.
- 7-404. Disposal of unfired fireworks.
- 7-405. Exceptions.
- 7-406. Seizure of fireworks.

7-401. Fireworks defined. "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. (1978 Code, § 7-401)

7-402. Manufacture, sale and discharge. (1) The manufacture of fireworks is prohibited within the city.

(2) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the chiefs of the police and fire departments of the city, and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or persons.

(3) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. (1978 Code, § 7-402)

7-403. Bond for fireworks display required. The permittee shall furnish a bond in an amount deemed adequate by the chief of the fire department for the payment of all damages which may be caused, either to persons or property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors. (1978 Code, § 7-403)

7-404. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining. (1978 Code, § 7-404)

7-405. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (1978 Code, § 7-405)

7-406. Seizure of fireworks. The chief of the fire department or any policeman having knowledge thereof shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter. (1978 Code, § 7-406)

CHAPTER 5

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-501. Equipment not to be used outside corporate limits generally.

7-501. Equipment not to be used outside corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless the fire is on city owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the board of mayor and aldermen. (1978 Code, § 7-307)

CHAPTER 6

NFPA FIRE CODE¹

SECTION

- 7-601. Fire code adopted.
- 7-602. Modifications.
- 7-603. Definition of "municipality."
- 7-604. Gasoline trucks.
- 7-605. Variances.
- 7-606. Violations and penalties.

7-601. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code (NFPA No. 1), 2003 edition, including each reference in NFPA 1, chapter 2 (excluding NFPA 5000), is hereby adopted by reference and included as a part of this code. Each reference in the Uniform Fire Code, chapter 2, to an NFPA code or standard shall be deemed to be the edition printed in the National Fire Codes, 2003 edition. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Uniform Fire Code has been filed with the city recorder and is available for public use and inspection. The Uniform Fire Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (Ord. #BB-451, Jan. 1997, modified, as amended by Ord. #BB-525A, Jan. 2002, and replaced by Ord. #BB-559, Sept. 2004)

7-602. Modifications. The Fire Prevention Code adopted in § 7-601 above is modified by deleting therefrom sections 1-5, titled Board of Appeals, in its entirety; § 7-606 below shall control appeals.

7-603. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Dyersburg, Tennessee.

7-604. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.

¹Municipal code reference

Building, utility, and housing codes: title 12.

7-605. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

7-606. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The 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. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 7

LIFE SAFETY CODE

SECTION

7-701. Life safety code adopted.

7-702. Violations and penalties.

7-701. Life safety code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing the construction, protection, and occupancy features necessary to minimize danger to life from fire, including smoke, fumes, or panic, the Life Safety Code (NFPA No. 101),¹ 2000 edition, as recommended by the National Fire Protection Association, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the Life Safety Code has been filed with the city recorder and is available for public use and inspection. The Life Safety Code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (as added by Ord. #BB-525A, Jan. 2002)

7-702. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Life Safety Code herein adopted, or fail to comply therewith. The violation of any section of this chapter shall be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions. (as added by Ord. #BB-525A, Jan. 2002)

¹Copies of this code are available from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, MA 02269-9101.

TITLE 8**ALCOHOLIC BEVERAGES¹****CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

- 8-101. Subject to regulation.
- 8-102. License fee and special school tax.
- 8-103. Term of, renewal of, and prerequisites for license.
- 8-104. Display of license.
- 8-105. Issuance of a duplicate license.
- 8-106. Applications for certificates of good moral character.
- 8-107. Restrictions on location and number of licensed premises.
- 8-108. Furnishing alcoholic beverage to certain people prohibited.
- 8-109. Advertising restricted.
- 8-110. Inducements to purchase prohibited.
- 8-111. Hours and days of operation restricted.
- 8-112. Violations.
- 8-113. Inspection fee.
- 8-114. Privilege tax on retail sale of alcoholic beverages for consumption on the premises.

8-101. Subject to regulation. The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any manner dealing in alcoholic beverages within the corporate limits of the City of Dyersburg, Tennessee, shall be regulated in accordance with the provisions of Tennessee Code Annotated, title 57, the rules and regulations adopted by the Tennessee Alcoholic Beverage Commission, and in accordance with the provisions of this chapter. (1978 Code, § 2-101)

8-102. License fee and special school tax. There is levied and imposed license fees in the amounts and in accordance with the terms and conditions hereinafter stated, upon each person, firm, corporation, or general or

¹State law reference

Tennessee Code Annotated, title 57.

limited partnership which may be authorized to engage in the manufacture, distribution or sale at wholesale or retail, of alcoholic beverages, within the City of Dyersburg. The amount of the license fees levied and imposed shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current licensing fees consult the schedule of fees on file with the city recorder.

As authorized by the city charter there is hereby levied a special school tax, which shall be five-eighths of each of the above amounts and which shall be paid with the privilege licenses herein levied. (1978 Code, § 2-102, modified)

8-103. Term of, renewal of, and prerequisites for license. The license fees hereinabove set forth shall be for the period of one year, commencing January 1st of each year and expiring on December 31st of each year. Said licenses may be renewed each year by compliance with applicable state laws and payment of the above stated fees. All license fees shall be paid to the city recorder for the City of Dyersburg. The city recorder shall not be authorized to issue such license until the applicant has qualified, as required by applicable state laws, to engage in such business and has exhibited to said city recorder the license issued to said applicant by the Tennessee Alcoholic Beverage Commission. (1978 Code, § 2-103)

8-104. Display of license. Any person, firm, corporation, or limited or general partnership granted a license to carry on any business or undertaking contemplated by this chapter shall, before being qualified to do business, display and post such license and keep it displayed and posted conspicuously on the premises of such licensee. (1978 Code, § 2-104)

8-105. Issuance of a duplicate license. When satisfactory evidence shall be furnished to the city recorder that a license has been lost or destroyed without fault of the licensee, a duplicate thereof shall be issued by the city recorder. The licensee shall pay one dollar for such duplicate license. (1978 Code, § 2-105)

8-106. Applications for certificates of good moral character. All applicants for certificates of good moral character as required by Tennessee Code Annotated, title 57, shall be required to make application to the board of mayor and aldermen, on forms furnished by the board. Said applications, after being executed, shall be filed with the board of mayor and aldermen for its approval or disapproval. (1978 Code, § 2-106)

8-107. Restrictions on location and number of licensed premises. No alcoholic beverage shall be manufactured, distilled or rectified, sold, or stored on any premises except in what is designated and known in the City of

Dyersburg as the fire zone. Within the fire zone no alcoholic beverage shall be manufactured, distilled or rectified, sold, distributed, or stored on any premises that shall be located in close proximity to any church, school, or other public institution when in the discretion of the board of mayor and aldermen such location would be inimical to the public welfare. The location of such businesses shall be in the discretion of the board of mayor and aldermen.

The number of retail liquor stores that may be operated within the corporate limits is hereby limited to four (4).¹ (1978 Code, § 2-107, as amended by Ord. #BB-459, July 1997)

8-108. Furnishing alcoholic beverage to certain people prohibited. It shall be unlawful for any licensee, his employee or representative to sell, furnish, or give any alcoholic beverage to any person visibly intoxicated, or to any insane person, or to any minor, or to any habitual drunkard, or to any person of known intemperate habits. (1978 Code, § 2-108)

8-109. Advertising restricted. Wholesalers, retailers, and other persons, corporations, partnerships, or dealers in alcoholic beverages are hereby prohibited from advertising on signs and billboards located within the corporate limits of the City of Dyersburg. However, signs may be installed by licensees at their places of business when such signs are suspended eight (8) feet or more above the sidewalk. (1978 Code, § 2-109)

8-110. Inducements to purchase prohibited. No licensee shall give away, sell, or in any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to trade to purchase any alcoholic beverages. (1978 Code, § 2-110)

8-111. Hours and days of operation restricted. Except as hereafter provided, retailers may remain open for business between the hours of 8:00 A.M. and 11:00 P.M. each day. However, no retailer shall sell, give away, or otherwise dispose of any alcoholic beverages between 11:00 P.M. and 8:00 A.M. on any day nor between 11:00 P.M. on Saturday and 8:00 A.M. on the following Monday. (1978 Code, § 2-112)

8-112. Violations. Any person, firm, corporation, or general or limited partnership engaging in any business regulated by this chapter without first having paid the license fees levied and imposed or otherwise violating or failing

¹This last provision was upheld by the Tennessee Supreme Court in the 1946 case of State ex rel. Veal v. Mayor and Aldermen of Dyersburg, 184 Tenn. 1, 195 SW2nd 11.

to comply with any provision of this chapter, shall upon conviction be fined under the general penalty clause for this code. (1978 Code, § 2-113)

8-113. Inspection fee. (1) Definitions. For the purposes of this section, the material words and phrases shall have the meanings respectively ascribed to them under Tennessee Code Annotated, § 57-3-101.

(2) Amount. For the purposes of providing a means of regulating, inspecting, and supervising the liquor business in the City of Dyersburg, there is hereby levied and imposed upon each licensed retailer of alcoholic beverages as defined by Tennessee Code Annotated, § 57-3-101, located within the corporate limits of the City of Dyersburg an inspection fee at the rate of 3% of the wholesale price of alcoholic beverages supplied by any wholesaler to such retailer. The fee shall be measured by the wholesale price of the alcoholic beverage or wine sold by all such wholesalers and paid by all such retailers and shall be 3% of such wholesale price.

(3) Collection by wholesaler from retailer. The inspection fee shall be collected by the wholesaler from the retailer from and after the 1st day of April, 1978, pursuant to notice by the recorder of the City of Dyersburg. The inspection fee shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(4) Fees to be held until paid to city. Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Dyersburg as hereinafter provided.

(5) Monthly report - payment. Each wholesaler making sales to retailers located within the corporate limits of the City of Dyersburg shall furnish the City of Dyersburg a report monthly, which report shall contain the following:

- (a) The name and address of the retailer;
- (b) The wholesale price of the alcoholic beverages sold to such retailer;
- (c) The amount of tax due under this section; and
- (d) Such other information as may be required by the recorder of the City of Dyersburg.

The monthly report shall be furnished to the recorder of the City of Dyersburg not later than the twentieth (20th) of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Dyersburg shall be paid to the City of Dyersburg at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the City of Dyersburg shall be entitled to reimbursement for this collection service a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Dyersburg.

(6) Failure to report and remit fees. Each wholesaler who fails to collect and/or remit the inspection fee imposed hereunder shall be liable for a

penalty of ten percent (10%) of the fee due the City of Dyersburg which shall be payable to the City of Dyersburg.

The City of Dyersburg shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly reports.

(7) Disposition of fees. The recorder shall turn over to the treasurer of the City of Dyersburg any and all monies collected pursuant to this section and the treasurer shall deposit and hold said monies in a separate, special account. (1978 Code, § 2-114)

8-114. Privilege tax on retail sale of alcoholic beverages for consumption on the premises. (1) A privilege tax is levied by the City of Dyersburg upon each and every person, firm and corporation engaging in the retail sale of alcoholic beverages in the City of Dyersburg for consumption on the premises where such beverages are sold. The tax shall be collected annually in an amount determined on the basis of the type of establishment operated by the seller in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current tax amount consult the schedule of fees on file with the city recorder.

(2) All persons, firms or corporations upon which the privilege tax is levied shall file an accounting of their respective retail sales of alcoholic beverages which are subject to the tax with the city recorder on or before January 30 of each year. The accounting shall reflect all the seller's sales made during the preceding twelve month calendar year. The accounting shall be certified as accurate by the seller, if an individual, or the chief executive, if a partnership or corporation. The seller's annual privilege tax shall be paid and remitted to the city recorder together with seller's accounting at the time of its filing.

(3) In the event of the sale, transfer or discontinuance of any business or enterprise which engages or has engaged in sales which are subject to the tax, the sellers, transferors or owners of such business shall file, with the city recorder, an accounting of their respective sales which are subject to the tax for the period from January 1 of the then current calendar year through the date of such sale, transfer or discontinuation of business. Such accounting shall be filed within thirty (30) days of the occurrence of such event and shall be certified as accurate by the seller. At the time of filing of such accounting, the seller shall remit payment in full of the sellers' annual privilege tax prorated through the date of the occurrence of such event.

(4) Notwithstanding anything to the contrary stated hereinabove in this section, the privilege tax on the retail sale of alcoholic beverages for consumption on the premises shall not be levied upon or against charitable, non-profit or political organizations selling alcoholic beverages at retail pursuant to a special occasion license. (1978 Code, § 2-115, modified)

CHAPTER 2

BEER¹

SECTION

- 8-201. "Beer" defined.
- 8-202. Permit required for engaging in beer business.
- 8-203. Beer permits shall be restrictive.
- 8-204. Issuance of permits to certain persons prohibited.
- 8-205. Interference with public health, safety, and morals prohibited.
- 8-206. Prohibited conduct and activities for which beer permit holders are responsible.
- 8-207. Suspension and revocation of beer permits.
- 8-208. Persons under twenty one (21) years of age; fraudulent evidence of age, etc.
- 8-209. Penalty.

8-201. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-202. Permit required for engaging in beer business. It shall be unlawful for any person or other entity to engage in the retail sale, or otherwise dispense, of beer within the City of Dyersburg without first making application to and obtaining a permit from the board of mayor and aldermen.

Each such application shall state whether the applicant is a natural person or other entity such as a partnership, corporation, syndicate or other type business organization. Each application shall also contain the name(s) and business address(es) of the natural person(s) who are performing the act of application and executing the application on behalf of the applicant, if other than a natural person. The natural person(s) executing each application shall certify therein they, he or she, has read the provisions of this chapter and agrees to conform to the same in the operation of the applicant's business subsequent to the issuance of a permit. The application shall contain such other information as the city shall require from time to time.

Upon the filing of an application, the applicant shall also file with the board a survey bearing the stamp and signature of a land surveyor licensed by

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).

the State of Tennessee depicting the applicant's business premises for which the permit is sought and the relevant distances required to exist pursuant to the § 8-205 hereof. Such survey shall also include the surveyor's certification that the applicant's business premise is without any of the prohibited distances set forth in § 8-205.

Upon the filing of an application, the applicant shall also tender to the city an application fee of \$250.00. On or before January 1 of each year the permittee shall pay the city an annual renewal fee of \$100.00.

It shall be the duty of the chief of police or his representative to perform a background inquiry of the applicant to ensure that said applicant is not disqualified by any licensing requirements herein codified or by those imposed by state law and to inspect the proposed business location of the applicant; and it shall be the duty of the city building inspector and the city fire marshal to inspect the applicant's business premises for which the permit is sought to determine whether or not said premises complies with all the provisions of the building codes and the fire codes of the City of Dyersburg. No permit shall be issued until violations are corrected and the chief of police, city fire marshal, and city building inspectors all so approve.

Prior to the issuance of any permit, the board of mayor and aldermen shall publish in a newspaper of general circulation within the city a notice which includes the applicant's name, the address of applicant's business location for which a permit is sought, and the date and time of the board's meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to said meeting. At the meeting, the board shall hear and consider the statement of any person or his lawful representative desiring to be heard in connection with the permit application. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999, and Ord. #BB-552, May 2004)

8-203. Beer permits shall be restrictive. All beer permits shall be restricted as to the type of beer sale authorized by such permit and shall impose, without limitation, reasonable restrictions pertaining to the sales of beer for consumption on a permitted premises, off a permitted premises or in a permitted restaurant as defined in § 8-205. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-204. Issuance of permits to certain persons prohibited. No beer permit shall be granted to any person less than twenty-one (21) years of age or to any person who has been convicted of the possession, sale, manufacture, or transportation of intoxicating liquor or drugs or any crime involving moral turpitude within the past ten (10) years. Likewise, no beer permit shall be issued to any applicant who makes any false statement in his or her permit application for a period of ten (10) years following the making of such false statement. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-205. Interference with public health, safety and morals prohibited. No permit authorizing the retail sale of beer shall be issued for any business premises at which such sale of beer will reasonably result in congestion of traffic or will unreasonably interfere with the general public's use of or access to any school, church, park, playground, ball park, hospital, nursery or nursing home or place of public gathering.

Subject to the exception for restaurants hereinafter provided, no permit shall be issued authorizing the retail sale of beer for consumption on the premises of the permit holder if such premises are located within five hundred (500) feet of any private residence, school, church, park, playground, ball park, hospital, nursery, nursing home or other place of public gathering.

No permit shall be issued for the retail sale of beer to be removed from the premise of the permit holder if such premises are located within three hundred (300) feet of any private residence, school, church, park, playground, ball park, hospital, nursery, nursing home, or other place of public gathering.

The distance hereinabove established shall be measured along straight lines from building to building nearest corner to nearest corner.

Further, the distance restrictions hereinabove established shall apply only to applications for permits to sell beer submitted after the effective date of this chapter¹ and shall have no effect on the holders of permits issued before that date.

A restaurant within the municipal limits of the city may be issued a permit authorizing the sale and storage of beer for consumption on the premises if either of the following two conditions are met:

(1) The restaurant is the holder in good standing of a license issued by the State of Tennessee Alcoholic Beverage Commission authorizing the sale of spirits and liquor by the drink. And such restaurant shall be classified as a Category I Restaurant; or

(2) The restaurant is primarily an eating place, derives a minimum of 50% of its gross receipts from the sale of food, is located more than one hundred fifty (150) feet from any private residence, park, playground, ballpark, hospital, nursery, nursing home, or other place of public gathering, and is located more than five hundred (500) feet from any school or church. Any such restaurant shall be classified as a Category II Restaurant.

All restaurants holding beer permits shall submit annually, prior to January 15 for the year ending December 31, a certified statement that they are in full compliance with this section and that a minimum of 50% of its gross receipts are derived from the sale of food. The certified statement shall be accompanied by proof of gross receipts and purchases for food and beer for the year in question. The City of Dyersburg may make a reasonable inquiry to

¹These provisions were taken from Ord. #BB-503 which passed September 7, 1999.

verify the information on the certified statement and accompanying documentation within six (6) months of filing of the certified statement. Failure to submit a certified statement in compliance with this section may result in the revocation of the non-complying restaurant's permit. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-206. Prohibited conduct and activities for which beer permit holders are responsible. (1) It shall be unlawful for any beer permit holder to engage in any retail sale of beer or activity relating thereto which is prohibited by this chapter or not expressly authorized by such holders permit.

(2) A holder of any beer permit obtained pursuant to this chapter shall be responsible and liable for the following prohibited and unlawful acts committed by such permit holder or by any employee, agent or servant of such permit holder:

(a) Employ any person convicted of the possession, sale, manufacture, or transportation of intoxicating liquors or drugs, or any crime involving moral turpitude within the past ten (10) years.

(b) Allow any loud, unusual, or obnoxious noise to emanate from his premise.

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

(d) Allow any intoxicated person to loiter about his premises.

(e) Serve, sell, or give away, on the premises or in adjacent building any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight, unless the permit holder is also qualified by state law to do so.

(f) Allow any open beer to be carried from the premises of the permit holder.

(g) Fail to pay all lawfully imposed business taxes and/or fees.

(h) Allow the sale of beer to any person at any establishment licensed for the sale of beer without said person having proof of age on their person available to be shown on request of the older of the beer permit or his agents and employees or upon request of law enforcement personnel of the City of Dyersburg, Tennessee.

(i) To organize, promote, or allow the customers of the beer permit holder to organize or promote, for profit, advertisement or for the entertainment of the permit holder's customers at the holder's business premises licensed for the sale of beer, any intentional display by any person of such person's naked buttocks, genitalia or, in the case of a female, such female's naked breasts.

(3) A holder of a beer permit authorizing the sale of beer for consumption on the premises of the permit holder shall be responsible and liable

for the following prohibited and unlawful acts committed by such permit holder or by an employee, agent, or servant of such permit holder:

(a) Employ any minor under eighteen (18) years of age in connection with the sale, storage, distribution, manufacture of beer or for any entertainment purposes, except, however this restriction shall not apply to restaurants.

(b) Be open for business and/or sale or give away beer or beverage of like alcoholic content to any person or persons within the City of Dyersburg between the hours of 3:00 A.M. Sunday and 12 Noon Sunday, or on any other day between the hours of 3:00 A.M. and 8:00 A.M. The premises of any license shall be promptly cleared of all visitors, customers, guests, and patrons at 3:00 A.M. at the end of any business day. No such beverage shall be consumed or open for consumption on or about any premise licensed hereunder, in either bottle, glass, can or other containers after the hour of 3:00 A.M.

(c) Make or allow the sale or gift of beer to any person who does not meet the age requirement as set forth by Tennessee State Law. The burden of ascertaining the age of any customer shall be upon the owner and/or operator or employee of such place of business.

(d) Allow any beer or beverage of like alcoholic content to be consumed or drank by any minor on the premises.

(e) Allow any minor to loiter about the premises.

(f) Fail to report immediately any breach of peace or other violation of the law of the police department.

(g) Allow the entry of any customer into the permit holder's business premises, with the exception, however, of any Category I or Category II restaurant as defined in § 8-205, without such customer having proof of age on their person available to be shown on request of the permit holder or his agents or employees or upon request of law enforcement personnel of the City of Dyersburg, Tennessee.

(4) A holder of a beer permit authorizing the retail sale of beer to be removed from the premises of the permit holder shall be responsible and liable for the following prohibited and unlawful acts committed by the permit holder or by any employee, agent or servant of such permit holder:

(a) Allow any minor to buy, sell, possess, or consume beer on the premises; provided, however, it shall not be unlawful for such off premises permit holder to employ minors to package, and/or carry out beer for customers.

(b) To sell or give away beer or beverage of like alcoholic content to any person within the City of Dyersburg between the hours of 3:00 A.M. on Sunday and 12:00 Noon on Sunday or on any other day between the hours of 3:00 A.M. or 8:00 A.M. No such beverage shall be consumed or open for consumption on or about any premises; licensed hereunder in either bottle, glass, can or other containers at any time.

(c) Make or allow the sale or gift of beer to any person who does not meet the age requirement as set forth by Tennessee State Law. The burden of ascertaining the age of any customer shall be upon the owner and/or operator or employee of such place of business.

(d) Allow beer or intoxicating liquor to be consumed or drank on the premise.

(e) Fail to sack, bag, or place in a like container beer that has been purchased.

(f) Fail to report immediately any breach of peace or other violation of the law to the police department.

(g) In the event the business of the beer permit holder is a grocery or convenience store, gas station, or service station, or any other related type business, to fail to stock and maintain at the location of the permitted premises a full line of grocery or tobacco products of not less than two thousand and no/100 (\$2,000.00) dollars in value.

(5) If, after issuance of any beer permit pursuant to this chapter, the police chief, fire chief, state fire marshall, building inspector, or any of their agents or employees, inspect the premises of the permit holder and find any violation of any applicable code or regulation or provision of this chapter, the permit holder shall be notified in writing of such violation. The permit holder shall thereafter have thirty (30) days after the receipt of such notification to correct such violation. (Ord. #BB-418, Nov. 1994, modified, as amended by Ord. #BB-503, Sept. 1999)

8-207. Suspension and revocation of beer permits. The board of mayor and aldermen is hereby authorized and empowered to temporarily suspend or permanently revoke any beer permit issued under the provisions of this chapter when the holder thereof has made any false statement or misrepresentation in the application made pursuant to § 8-202 above, or has committed or allowed to be committed by such holder's agent or employee any act prohibited by this chapter, or, in the case of a Category I Restaurant permit, when the holder thereof suffers the loss or suspension of its license issued by the State of Tennessee Alcoholic Beverage Commission authorizing the sale of liquor by the drink, or whenever it shall satisfactorily appear that the premises of any beer permit holder are being maintained and operated in such manner as to be detrimental to the public health, safety and welfare.

In addition, the board of mayor and aldermen is authorized and empowered to suspend or revoke such permit holder's beer permit (or offer a civil penalty in accordance with Tennessee Code Annotated, § 57-5-108) in accordance with the following:

(1) If the permit holder, personally, is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years the board of mayor and aldermen shall permanently revoke all of the permit holder's permit(s) to sell beer within the city limits of Dyersburg.

(2) If the permit holder's agent or employee is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years, the board of mayor and aldermen, shall invoke the following suspensions and fines:

- 1st violation: Suspension of the beer permit for thirty (30) days. The board of mayor and aldermen shall be empowered, but not required, to offer the imposition of a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) in lieu of a suspension.
- 2nd violation: Mandatory suspension of the beer permit for a period of thirty (30) days. The board of mayor and aldermen hereby denies itself the power and/or authority to offer the imposition of any civil penalty in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding.
- 3rd violation: Mandatory suspension of the beer permit for a period of ninety (90) days. The board of mayor and aldermen hereby denies the power and/or authority to offer the imposition of any civil penalty, in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, § 57-5-108 notwithstanding.
- 4th violation: Revocation of the beer permit.

In order to be considered a subsequent violation under this chapter, the violation must occur within three (3) years of the latest violation.

Any civil penalty imposed in lieu of a suspension of the holder's permit, must be paid in full within seven (7) days. If any civil penalty that remains unpaid for seven (7) days shall result in the automatic suspension of the beer permit unless or until the fine is paid in full.

The suspension, revocations and civil penalties herein created shall be decided by the board of mayor and aldermen after a public hearing. The permit holder shall be notified of said proceedings in writing by the chief of police at least fourteen (14) days prior to the meeting of the board of mayor and aldermen at which that public hearing shall be conducted. Notice of the public hearing shall be by publication in a newspaper of general circulation within the City of Dyersburg not less than ten (10) days prior to said hearing. Notice of the public hearing shall include the name of the permit holder, the address of the permit holder's business, the nature of the alleged offense and the date, time and location of the hearing.

At the hearing, the board shall consider evidence of the violation and the circumstances surrounding the alleged violation. The board shall also hear and consider the statements of the permit holder and any relevant evidence concerning the alleged violation, statements and arguments of his or her legal

counsel, and any other person desiring to be heard on the matter. The board of mayor and aldermen shall then determine:

- (a) Whether a violation of this chapter has occurred; and
- (b) The appropriate sanction considering all of the facts and circumstances, and in strict accordance with this chapter, if a violation is found to have occurred.

Any resulting decision of the board of mayor and aldermen may be appealed to the Chancery Court of Dyer County in accordance with the standards set forth in Tennessee Code Annotated, § 57-5-108.

A reinstatement fee of two hundred fifty dollars (\$250.00) shall be required following any suspension imposed hereunder, regardless of any fine that may be imposed under this section.

In addition to the regulatory scheme set forth above, it is hereby declared to be unlawful for a permit holder to allow the sale of beer to a minor, each and every instance being punishable under the general penalty clause of the City of Dyersburg. Additionally it is unlawful for any minor to unlawfully purchase beer within the city limits of the City of Dyersburg, each and every instance being punishable under the general law of the State of Tennessee. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999, and Ord. #BB-552, May 2004)

8-208. Persons under twenty one (21) years of age; fraudulent evidence of age, etc. (1) It shall be unlawful for any person under twenty one (21) years of age to purchase beer or similar beverages.

(2) It shall be unlawful for any person to purchase beer or similar beverages for a person under twenty-one (21) years of age.

(3) It shall be unlawful for any person to provide or give beer or similar beverages to a person under twenty one (21) years of age.

(4) It shall be unlawful for any person under twenty one (21) year so age to possess beer or similar beverages upon the premises of a holder of a permit authorizing the retail sale of beer for consumption on such premises.

(5) It shall be unlawful for any person under twenty one (21) years of age to present or offer to a holder of a beer permit for on or off premises consumption or to his or her agent or employee, any written evidence of his or her age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure beer or similar beverages.

(6) It shall be unlawful for any person to allow his or her identification to be used by any other person for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure beer or similar beverages.

(7) It shall be the duty of the Dyersburg Police Department to enforce all provisions of this section, state laws and other rules or regulations set forth for permit holders. Officers may enter upon the premises of a permit holder any

time during the normal operating hours for the purpose of enforcement. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

8-209. Penalty. Any beer permit holder or his or agent or employee violating any provision of this chapter shall, upon conviction, be subject to a civil fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) and the revocation or suspension of their beer permit in accordance with the provisions of this chapter. (Ord. #BB-418, Nov. 1994, as amended by Ord. #BB-503, Sept. 1999)

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

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. SOLICITATIONS.
4. TAXICABS.
5. AUCTIONS.
6. PAWNBROKERS.
7. CABLE TELEVISION.

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

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location.

When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1978 Code, § 5-101)

¹Municipal code references

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

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Definition and exemptions.
- 9-202. Permit required.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noise's and speaking devices.
- 9-208. Use of streets.
- 9-209. Times.
- 9-210. Exhibition of permit.
- 9-211. Policemen to enforce.
- 9-212. Revocation or suspension of permit.
- 9-213. Reapplication.
- 9-214. Expiration and renewal of permit.
- 9-215. Advisory committee.
- 9-216. Sales tax number.
- 9-217. Penalty.

9-201. Definition and exemptions. For the purpose of this chapter a "peddler" or "transient merchant" is defined as any person, firm or corporation, whether as owner, agent consignee or employee, whether a resident of the city or not, who engages in a temporary, occasional business of selling and delivering goods, wares and merchandise at retail within said city, and who, in furtherance of such purpose hires, leases, uses or occupies any building structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, motels, lodging houses, apartment, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. Provided if that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed to be

¹Municipal code reference

Privilege tax provisions, etc.: title 5.

subject to the provisions of this chapter. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, not to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. This chapter also specifically excludes locally grown farm produce and neighborhood yard sales. (1978 Code, § 5-202)

9-202. Permit required. It shall be unlawful for any peddler or transient merchant to ply his trade within the corporate limits without first applying for said permit by paying (\$100.00) non-refundable and submitting a written application for transient merchants permit. Said permit shall be checked by Dyersburg Police Department and approval or disapproval be submitted to city recorder's office within 7 days. At that time prospective merchant will be required to pay minimum gross receipts business tax as required by State of Tennessee Gross Receipts Tax Act. No permit shall be used at any time by any person other than the one to whom it is issued. (1978 Code, § 5-201)

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

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

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

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

(9) At the time of filing the application, the applicant shall pay a fee to cover the costs of investigating the facts stated therein, in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fee consult the schedule of fees on file with the city recorder. (1978 Code, § 5-203, modified)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within 7 days.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable business taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1978 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1978 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of two thousand five hundred dollars (\$2,500.00). The bond shall be conditioned that the permittee shall

comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1978 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1978 Code, § 5-207)

9-208. Use of streets. No permittee shall have exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1978 Code, § 5-208A)

9-209. Times. No permittee shall be allowed to sell or solicit from one hour before sundown until one hour after sunrise inclusive. (1978 Code, § 5-208B)

9-210. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1978 Code, § 5-209)

9-211. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1978 Code, § 5-210)

9-212. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1978 Code, § 5-211)

9-213. Reapplication. No permittee whose permit has been revoked shall make other application until a period of at least six (6) months has elapsed since the last revocation. (1978 Code, § 5-212)

9-214. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's business tax expires and shall be renewed without if the permittee applies for and obtains a new business tax within thirty (30) days thereafter. An application for a renewal shall be made substantially in the same form as an original application. (1978 Code, § 5-213)

9-215. Advisory committee. The mayor shall appoint two local reputable business men to serve with him on a 3 member committee in an advisory capacity in case of potential problems arising from issuance of any permits. (1978 Code, § 5-214)

9-216. Sales tax number. All applicants for transient merchant's permits shall hold a valid State of Tennessee sales tax number and shall affix

same on the original application for transient merchant permit. (1978 Code, § 5-215)

9-217. Penalty. Any person or persons operating within the corporate limits of the City of Dyersburg, Tennessee, without first meeting the requirements set forth here in Title 9, Chapter 2, §§ 201-217 inclusive shall be subject to penalties and fines as set forth by municipal ordinance. (1978 Code, § 5-216)

CHAPTER 3

SOLICITATIONS

SECTION

- 9-301. Definitions.
- 9-302. Solicitation board.
- 9-303. Director.
- 9-304. Charitable solicitations permit required; exemptions.
- 9-305. Application for charitable solicitations permit.
- 9-306. Form of application.
- 9-307. Investigation by board of solicitations.
- 9-308. Standards for board's action in granting or denying applications for charitable solicitation permits.
- 9-309. Fee for charitable solicitations permit.
- 9-310. Charitable solicitations permit--form of--granting of is not endorsement by city--time limit on.
- 9-311. Solicitation without permit prohibited.
- 9-312. Hearing after denial of application for a permit; exception decisions.
- 9-313. Revocation of permits; hearings; decision.
- 9-314. Report required from permit holder.
- 9-315. Notice of suspension or revocation of permit to chief of police.
- 9-316. Religious solicitations; registration and certificate required.
- 9-317. Investigations of affairs of persons soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings.
- 9-318. Use of fictitious name; fraudulent misrepresentations and misstatements prohibited.
- 9-319. Judicial review of board's actions.
- 9-320. Solicitation on public street prohibited.
- 9-321. Solicitation by means of coin or currency boxes or receptacles prohibited; exception.
- 9-322. Violations.

9-301. Definitions. Whenever used in this chapter unless different meaning clearly appears in the context:

- (1) "Board" means the solicitations board.
- (2) "Charitable" means and includes the words patriotic, philanthropic, social, service, welfare, benevolent, educational, civic, humane, eleemosynary, or fraternal, either actual or purported.
- (3) "Charitable organization" means a group which is or holds itself out to be a benevolent, educational, philanthropic, humane, patriotic,

eleemosynary, or fraternal organization or any person who solicits or obtains contributions solicited from the public for charitable purposes.

(4) "Contribution" means and includes the words alms, food, clothing, money, subscriptions, property, or donations under the guise of loaning money or property or any promise or grant of any money or property of any kind or value.

(5) "Director" means the director of law or city attorney of the City of Dyersburg.

(6) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

(7) "Professional solicitor" means any person who, for financial or other consideration, solicits contribution for, or on behalf of, a charitable organization, whether such a solicitation is performed personally or through his agents, servants, or employees or through such agents, servants or employees specially employed by or for a charitable organization, who are engaged in the solicitation of contributions under the direction of such a person, or a person who plans, conducts, manages, carries on or advises a charitable organization in connection with the solicitation of contributions. A salaried officer or an employee of a charitable organization maintaining a permanent establishment within the state shall not be deemed a professional solicitor. However, any salaried officer or employee of a charitable organization that engages in the solicitation of contributions for compensation in any manner for more than one charitable organization shall be deemed a professional solicitor. No attorney, investment counselor, or banker who advises any person to make a contribution to a charitable organization shall be deemed, as the result of such advice, to be a professional solicitor.

(8) "Promoter" means any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

(9) "Solicit" and "solicitation" means the request directly or indirectly for money, credit, profit, financial assistance, or other thing of value upon the plea or representation that such money, credit, profit, financial assistance, or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this chapter. These words shall also mean and include the following methods of securing money, credit, profit, financial assistance, or other thing of value on the plea or representation that it will be used for a charitable or religious purpose as herein defined:

- (a) Any oral or written request;
- (b) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;

(c) Making of any announcement to the press, or to the radio, by telephone or telegraph, concerning an appeal, assembly, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

(d) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any charitable or religious purpose, where the name of a charitable or religious person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or will be donated to any charitable or religious purpose. A solicitation as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this section. (1978 Code, § 5-301)

9-302. Solicitation board. There is hereby created a solicitation board which shall consist of seven citizens of the City of Dyersburg appointed by the mayor and confirmed by the board of mayor and aldermen. The members of such board shall serve a term of four (4) years. Said terms shall be staggered. Any vacancy occurring shall be filled in the same manner as for the original appointment, except that persons filling vacancies shall serve only for the unexpired term. In order to effectuate staggered terms, the initial board shall be composed of members appointed as follows: Two (2) members for one (1) year terms, two (2) members for two (2) year terms, two (2) members for three (3) year terms, and one (1) member for a four (4) year term. The board shall select one (1) member to serve as its chairman and one (1) member to serve as its secretary. The board shall take action on all applications for permits or certificates under this chapter within sixty (60) days of the filing thereof. The board shall meet as often as is necessary to conduct business of the board, but not less than at least quarterly. The chairman shall have the responsibility to call meetings as are necessary. A majority shall constitute a quorum. The director shall refer any and all applications for a permit or certificate under this chapter to the chairman of the board for presentation to the board for its action thereon. Members of the board may be removed by the mayor for cause with the approval of the board of mayor and aldermen. The board shall have the following powers:

- (1) To issue or refuse the permits or certificates and in the event of a refusal to file a written report explaining the reason for such refusal.
- (2) To require applications be filed in all cases required herein.
- (3) To compel payment of fees prescribed for permits and to receive the same.
- (4) To do all things necessary or incidental to securing all permits, applications, certificates, and other forms required herein.
- (5) To hold hearings as required herein.
- (6) To revoke permits or certificates as stated herein.
- (7) To publish reports and give any and all publicity to information received by it.
- (8) To have access to and inspect books, records, and papers of the applicants or anyone making solicitations in the area of the city.
- (9) To investigate the methods of making any solicitation.
- (10) To aid and assist charitable organizations in scheduling their campaigns to the best interest of the public, but not so as to place any undue hardship on such organization thereby.
- (11) To determine in all cases where questions arise specific items in any applicant's fund raising solicitation program which should properly be designated as campaign cost and supplemental expenses, and the uniform accounting practices in accordance with this chapter. Accounting and financial reporting for voluntary health and welfare organizations will be mandatory.
- (12) To adopt such rules and regulations as are necessary and are not contrary to this chapter. (1978 Code, § 5-302)

9-303. Director. The chief of police or his designee shall be the director and meet with the board at all regular and special meetings. It shall be the duty of the director to assist the board in the administrative details of the duties imposed upon the board. The director shall secure and maintain all forms necessary for the execution of the provisions of this chapter and the work of the board. The director shall keep records pertaining to the work of the board. The director shall furnish the board with whatever other administrative services the board requires. The director shall advise the board of any legal matters coming before it. (1978 Code, § 5-303)

9-304. Charitable solicitations permit required; exemptions. No person shall solicit contributions personally or by means of coin or currency receptacles for any charitable purpose within the City of Dyersburg without a permit from the board authorizing such solicitations. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established per-

son are conducted among the members thereof, by other members or officers thereof, voluntarily without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person. (1978 Code, § 5-304)

9-305. Application for charitable solicitations permit. (1) An application for a permit to solicit as provided in this chapter shall be made to the board through forms provided by the City of Dyersburg. Such application shall be sworn to and filed with the police department at least thirty (30) days prior to the time at which the permit applied for shall become effective; provided, however, that the board may for good cause shown allow the filing of an application less than thirty (30) days prior to the effective date of the permit applied for. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

(a) The name, address or headquarters of the person applying for the permit.

(b) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to be a true and correct copy of the original by the officer having charge of the applicant's records.

(c) The purpose for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom.

(d) A specific statement, supported by reasons and, if available, figures showing the need for the contributions to be solicited.

(e) The names and addresses of the person or persons who have authority to distribute funds.

(f) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation and the names of all professional solicitors connected or to be connected with the proposed solicitation.

(g) An outline of the method or methods to be used in conducting the solicitations.

(h) The time when such solicitations shall be made, giving the preferred dates for the beginning and the ending of such solicitation.

(i) The estimated cost of the solicitation.

(j) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons.

(k) A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and the final distribution thereof to be prepared by a certified public accountant or a licensed public accountant and filed in the recorder's office.

(l) A full statement of the character and extent of the charitable work being done by the applicant within the area of the city.

(m) A statement that the actual cost of the solicitation will not exceed twenty-five per cent (25%) of the total amount to be raised; or in the event the cost will exceed twenty-five per cent (25%), a statement as to the reasons.

(n) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the City of Dyersburg, or by any department or officer thereof.

(o) Such other information as may be reasonably required by the board or by the director for either to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.

(2) While any application is pending, or during the term of any permit granted thereon, if there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the board in writing thereof within seventy-two (72) hours after such change. (1978 Code, § 5-305)

9-306. Form of application. The City of Dyersburg shall provide each applicant a form which complies substantially with the following form:

APPLICATION FOR PERMIT TO SOLICIT
UNDER SOLICITATIONS ORDINANCE

(1) Name of person or organization _____

Address or headquarters of applicant _____

(2) Names of applicant's principal officers and managers (if any):

President _____ Address _____

Vice-President _____ Address _____

Secretary _____ Address _____

Manager _____ Address _____

Directors: _____ Address _____

_____ Address _____

_____ Address _____

(3) Have you attached to this application a true and correct copy of the resolution (if any) authorizing the applicant to undertake the proposed solicitation covered by the application?

_____ Yes _____ None

(4) The purpose for which the solicitation is to be made is the following: (Attach a statement if more space is needed)

(5) The total amount of funds to be raised is _____.

(6) The receipts from the solicitation will be used, or disposed of as follows: (Explain in detail on attached statement).

(7) The need for the contributions to be solicited is as follows: _____
_____.

(This statement must be specifically supported by reasons, and if available, figures--an attached statement can be used)

(8) The following person will disburse the receipts of this solicitation:

(Give name, address, and title)

(9) The following person will be in direct charge of conducting the solicitation: _____
_____. (Give name, address, and title)

(10) The following promoters are connected, or will be connected with the solicitations: _____
_____. (Give name, address, and title)

(11) The method or methods to be used in conducting the solicitations are as follows: _____
_____. (Explain on attached sheet, if necessary)

(12) The proposed dates for the beginning and ending of the solicitations are:

Date begin _____, 19__ Through _____, 19__.

(13) The estimated total cost of the entire solicitation campaign is _____.

(14) The wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the name and addresses of all such persons are the following: _____
 _____ (Give name, address, title, and amount).

(15) Have you attached to this application a statement giving the terms and contents of all agreements, both oral and written, with all agents, solicitors, promoters, managers or conductors in connection with the proposed solicitation covered in this application? _____ Yes _____ No

(16) Have you attached a financial statement for the last preceding fiscal year of all funds collected for charitable purposes by the applicant, giving the amount of money raised, together with the cost of raising it and the final distribution thereof? _____ Yes _____ No

(17) A full statement of the character and extent of the charitable work being done by the applicant with the City of Dyersburg is as follows: _____
 _____ (Explain on attached sheet if more space is needed).

(18) Will the actual cost of the solicitation exceed 25 per cent of the total amount to be raised? _____ Yes _____ No

(19) Does applicant certify that if a permit is granted, it will not be used or represented in any way as an endorsement of the City of Dyersburg or by any department or officer thereof? _____ Yes _____ No

(20) The following is additional information believed by applicant to be useful to the Board in determining the kind and character of the proposed solicitation: _____
 _____.

(21) Is applicant a non-profit exempt organization under 501(c)(3) of the Internal Revenue Code of 1954? _____ Yes _____ No

All of the above statements are true to the best of my knowledge, information and belief.

Signed by:

Give name, address, and title

Subscribed and sworn to before me, this the _____ day of _____, 19__
—.

Notary Public

(1978 Code, § 5-306)

9-307. Investigation by board of solicitations. The board shall examine all applications filed under this chapter and shall make, or cause to be made, such further investigation of the application and the applicant as the board shall deem necessary in order for it to perform its duties under this chapter. Upon request by the board, the applicant shall make available for inspection all the applicant's books, records, and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. The director or persons designated by him so to do may conduct any investigations into any applicant for a solicitations permit or as to any holder of a solicitations permit when it appears to said director or in response to complaint made known to the director that any of the provisions of this chapter are being violated or the applicant or holder of such a permit has engaged or is engaging in unscrupulous, dishonest, fraudulent or misleading practices in connection with solicitations of contributions. (1978 Code, § 5-307)

9-308. Standards for board's action in granting or denying applications for charitable solicitation permits. The board shall issue the permit provided for in this chapter whenever it shall find the following facts to exist:

- (1) That all of the statements made in the application are true.

(2) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.

(3) That the control and supervision of the solicitation will be under responsible and reliable persons.

(4) That the applicant has not engaged in any fraudulent transaction or enterprise.

(5) That the solicitation will not be a fraud on the public.

(6) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application and will not be conducted primarily for private profit.

(7) That the cost of raising the funds will be reasonable and that all supplemental costs will be kept at a minimum. In no case shall a permit be granted unless a minimum of 75% of all monies collected goes directly to the charitable purpose for which the campaign is intended; provided, however, that in the case of special event benefits where performers are used, the board, in its discretion, may grant a permit where 50% of all monies collected go to the charitable purpose for which the campaign is intended; provided the ratios of expenses to gross revenues herein set forth shall be waived by the board where special facts and circumstances are presented showing that a higher cost is not unreasonable.

(8) Nothing herein shall prohibit the solicitation by telephone for or on behalf of the applicant provided that the applicant states in his application the time during which solicitation will be made by telephone and the number of people being utilized in telephone solicitation and the amount of money paid the telephone solicitors. The board shall file in its office for public inspection, and shall serve upon the applicant by registered mail a written statement of the board's findings of fact and its decision upon each application.

(9) No person shall be granted a solicitations permit who has not qualified as a non-profit, tax-exempt person or organization under section 501 (c)(3) of the Internal Revenue Code and/or similar subsequently enacted Federal Internal Revenue law, or who fails or refuses to file any report required by this chapter. (1978 Code, § 5-308)

9-309. Fee for charitable solicitations permit. Before a permit is issued there shall be paid to the board a permit fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current permit fee consult the schedule of fees on file with the city recorder. The fee will cover all activities listed in the application provided the activities list can be completed within one (1) year of the application. (1978 Code, § 5-309, modified)

9-310. Charitable solicitations permit--form of--granting of is not endorsement by city--time limit on. Permits issued under this chapter shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an indorsement by the City of Dyersburg or by any of its departments, officers, or employees of the purpose or of the person conducting the solicitation. All permits shall be signed by the chairman of the board and the secretary thereof or by their duly authorized officer or agent. Permits may be granted for a period of ninety (90) days or for such other or additional periods as the board determines to be proper, but in no event shall the period for which the organization is authorized to solicit exceed one (1) year.

The form of the permit for certificate shall be as follows:

Permit No. _____

(Non-transferrable)

Void after _____
date

Date _____

_____ (name) of _____ (address) is hereby authorized to solicit under the provisions of Ordinance No. _____, adopted on the _____ day of _____, 19____, from _____, 19____ to _____, 19____. THE ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENFORCEMENT BY THE CITY OF DYERSBURG OR BY ANY OF ITS DEPARTMENTS, OFFICERS, OR EMPLOYEES OF THE PURPOSE OF PERSON CONDUCTING THIS SOLICITATION.

Chairman of Solicitations Board

Attest:

Secretary

Any permit issued hereunder shall be non-transferrable and said fact of non-transferability shall be clearly indicated on the permit. Each permit issued under this chapter shall be returned to the board within seventy-two (72) hours of the date of expiration, together with all facsimile copies thereof. (1978 Code, § 5-310)

9-311. Solicitation without permit prohibited. No agent or solicitor shall solicit contributions for any charitable purpose or any person in the City of Dyersburg unless such person has been granted a permit under the provisions of this chapter. It is understood that the individual agents or solicitors are not required to have separate permits, but that the only permit required is the original permit issued to the person for whom the contributions are being solicited. Provided, however, that each agent or solicitor shall have in his possession a facsimile of the original permit issued to the organization for which he solicits. (1978 Code, § 5-311)

9-312. Hearing after denial of application for a permit; exception decisions. Within five (5) days after receiving notification by registered mail that his application for a permit to solicit under this chapter has been denied, any applicant may file a written request for a public hearing on the application before the board, together with written exceptions to the findings of fact upon which the board based its denial of the application. Upon the filing of such a request, the board shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within ten (10) days after the request is filed. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the board, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions. Within ten (10) days after the conclusion of the hearing the board shall render a written report either granting or denying the application for a permit. In this report the board shall state the facts upon which its decision is based, and its ruling upon any exceptions filed to its original findings of fact upon the application. This report shall be filed in the recorder's office for public inspection and a copy shall be served by registered mail upon the applicant and all parties to the hearing. (1978 Code, § 5-312)

9-313. Revocation of permits; hearings; decision. Whenever it shall be shown, or whenever the board has knowledge, that any person to whom a permit has been issued under this chapter has violated any of the provisions of this chapter, or that any promoter, agent, professional solicitor, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the board shall immediately suspend the permit and give the permit holder written notice by registered, special delivery mail of a hearing to be held within two (2) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the board has acted in suspending the permit. At the hearing the permit holder, and any other interested person, may have the right to present evidence as to the facts upon which the board based the suspension of the permit, and any other facts which may aid the board in determining whether this chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the board finds that this chapter has been violated, where the purpose of the solicitation has been misrepresented, it shall within two (2) days after the hearing file in the recorder's office for public inspection and serve upon the permit holder and all interested persons who participated in the hearing, a written statement of the facts from which it based such finding and immediately revoke the permit. If, after such hearing the board finds that this chapter has not been violated and the purpose of the solicitation has not been misrepresented, it shall within two (2) days after the hearing, give to the permit

holder a written statement canceling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed. (1978 Code, § 5-313)

9-314. Report required from permit holder. It shall be the duty of all persons issued permits under this chapter to furnish the board within ninety (90) days after the close of the organization's fiscal year, a detailed report and financial statement prepared by a certified public accountant or a licensed public accountant, showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection in the recorder's office at any reasonable time; provided, however, that the board may extend the time for the filing of the report required by this section for an additional period of thirty (30) days upon proof that filings of the report within the specified time will work unnecessary hardship on the permit holder. Additional extensions of time may be granted by the board, but only after they have been approved by a majority vote of the board. The permit holder shall make available to the board, or to any person designated in writing by the board as its representative for such a purpose, all books, records and papers whereby the accuracy of the report required by this section may be checked. The board shall to the extent possible adopt uniform reporting methods or requirements. (1978 Code, § 5-314)

9-315. Notice of suspension or revocation of permit to chief of police. The chief of police shall be notified forthwith by the board of the suspension or revocation of any permit issued under this chapter. (1978 Code, § 5-315)

9-316. Religious solicitations; registration and certificate required. No person shall solicit contributions for any religious purpose within the City of Dyersburg without a certificate from the board. Application for a certificate shall be made to the board upon forms provided by the City of Dyersburg. Such application shall be sworn to, or affirmed, and shall contain information required in § 9-305, except such application shall not contain the statement required in § 9-305 (1) (m) or, in lieu thereof, a statement of the reason or reasons why such information cannot be furnished.

If while any application is pending, or during the term of any certificate granted thereon, there is any change in facts, policy, or method that will alter the information given in the application, the applicant shall notify the board in writing thereof within seventy-two (72) hours of such a change.

Upon receipt of such application, the board shall forthwith issue the applicant a certificate of registration. The certificate shall remain in full force and effect for a period of six (6) months after the issuance thereof, and shall be renewed upon the expiration of this period upon the filing of a new application as provided for in this section. Such certificates are non-transferable, and the original and all facsimiles thereof shall be returned to the board within one (1) week after the date of expiration of the solicitation. Certificates of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued, and a statement that the certificate does not constitute an endorsement by the City of Dyersburg or by any of its departments, or officers, of the purpose or of the person conducting the solicitation. Provided, however, that the provisions of this section shall not apply to any established person organized and operating exclusively for religious purposes and not operating for pecuniary profit of any person if the solicitations by such an established person are conducted among members by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at regular assemblies or services of any such established person. (1978 Code, § 5-316)

9-317. Investigations of affairs of persons soliciting for religious purposes and persons exempt from permit and certificate requirements; publication of findings. The board is authorized to investigate the affairs of any person soliciting for religious purposes under a certificate issued under § 9-316, and the affairs of any person exempted from the requirement of a permit under § 9-304, and to make public their findings in order that the public may be fully informed as to the affairs of any said person. Said persons shall make available to the board, the director, or to any representative designated by the board in writing for such specific purpose, all books, records, or other information reasonably necessary to enable the board to fully and fairly inform the public of all facts necessary to a full understanding by the public of the work and methods of operation of such persons; provided, that five (5) days before the public release of any findings under this section, the board must first serve a copy of its findings upon the person investigated and at the time of the release of its findings, it must release a copy of any written statement said person may file with the board in explanation, denial, or confirmation of said findings. (1978 Code, § 5-317)

9-318. Use of fictitious name; fraudulent misrepresentations and misstatements prohibited. No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition, or residence, and no person shall make or

perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose within the City of Dyersburg or in any application or report filed under this chapter. (1978 Code, § 5-318)

9-319. Judicial review of board's actions. The action of the board in connection with the issuance of a permit of any kind, including the revocation of a permit may be reviewed by the statutory writ of certiorari with the trial de nova as a substitute for an appeal, said writ of certiorari to be addressed to the circuit or chancery court of Dyer County.

Immediately upon the grant of the writ of certiorari the board shall cause to be made, certified, and forwarded to said court, a complete transcript of the proceedings in said court.

Provided, further, the provisions of this section shall be the sole remedy and exclusive method for review of any action or order of the board. Any party dissatisfied with the decree of the court may, upon giving bond as required in other cases, appeal to the supreme court, where the cause shall be heard upon the transcript and records from the circuit court. (1978 Code, § 5-319)

9-320. Solicitation on public street prohibited. All solicitations on public streets shall be prohibited, and a violation of this section, punishable under the general penalty clause of the municipal code. Each individual at each location shall constitute a separate violation. (1978 Code, § 5-320, modified)

9-321. Solicitation by means of coin or currency boxes or receptacles prohibited; exception. No person shall solicit by means of coin or currency boxes or receptacles, in the course of a professional solicitation campaign within the City of Dyersburg except:

(1) When each such box or receptacle bears the person's permit number and is serially numbered and the board advised of the number and location of each; and

(2) When each such box or receptacle is the responsibility of a bona fide member, agent or solicitor of the soliciting person; and

(3) When such responsible person is required to pick up each box or receptacle at the end of the solicitation period; and

(4) When the use of such boxes and receptacles in the solicitation is expressly authorized by the board; and

(5) When such responsible person has no more than a reasonable number of such boxes or receptacles for which he must account. (1978 Code, § 5-321)

9-322. Violations. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate

under this chapter containing false or fraudulent misstatements, shall be deemed guilty of a misdemeanor. Each day a solicitation occurs in violation of this chapter shall be deemed a separate offense. (1978 Code, § 5-322)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Taxicab franchise and privilege license required.
- 9-402. Requirements as to application and hearing.
- 9-403. Liability insurance required.
- 9-404. Revocation or suspension of franchise.
- 9-405. Mechanical condition of vehicles.
- 9-406. Cleanliness of vehicles.
- 9-407. Marking of vehicles.
- 9-408. Inspection of vehicles.
- 9-409. License and permit required for drivers.
- 9-410. Qualifications for driver's permit.
- 9-411. Revocation or suspension of driver's permit.
- 9-412. Drivers not to solicit business.
- 9-413. Parking restricted.
- 9-414. Drivers to use direct routes.
- 9-415. Taxicabs not to be used for illegal purposes.
- 9-416. Miscellaneous prohibited conduct by drivers.
- 9-417. Transportation of more than one passenger at the same time.
- 9-418. Fares.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license.

Such taxicab franchise shall be valid for only one year from and after the date of issuance unless revoked, suspended, or terminated under other provisions of this chapter. All taxicab franchises are personal and valid in the name of the person to whom issued exclusive of all other persons; and taxicab franchises issued by the municipality are not subject to sale, trade or transfer by the person to whom issued to any other person. Each taxicab franchise shall require the payment of an annual fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current annual fee

¹Municipal code reference
Privilege taxes: title 5.

consult the schedule of fees on file with the city recorder. (1978 Code, § 5-401, modified)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the board of mayor and aldermen; and make a recommendation to either grant or refuse a franchise to the applicant. The board of mayor and aldermen shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1978 Code, § 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of twenty-five thousand dollars (\$25,000.00) for bodily injury or death to any one person, fifty thousand dollars (\$50,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the municipality. (1978 Code, § 5-403)

9-404. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab

franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver.

Any taxicab franchise shall be automatically revoked without the necessity of a public hearing to the extent that same is not used for a period of 45 consecutive days as to any cab or cabs authorized by the franchise to be operated by the holder thereof. (1978 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, directional signal lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1978 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1978 Code, § 5-406)

9-407. Marking of vehicles. Each vehicle used as a taxicab shall be conspicuously marked with the word "taxi" so that it can be easily identified as being a taxicab.

Each such vehicle must have conspicuously displayed thereon an identifying number, and the holder of each franchise shall so number each of the vehicles operated by him with each such vehicle having a separate number beginning with the number one and proceeding consecutively with the numbers following thereafter, each vehicle operated by the franchise holder having a separate, specific number permanently assigned to and displayed on it. (1978 Code, § 5-407)

9-408. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc.

All such vehicles shall be made available to the chief of police for inspection by him at all reasonable times and places and so often as the chief of police shall in his sole discretion deem necessary and proper. (1978 Code, § 5-408)

9-409. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police.

The city driver's permit shall require the payment of a fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current annual fee consult the schedule of fees on file with the city recorder. Said permit shall be renewed annually upon application and payment of said annual fee.

Each taxicab driver shall wear a badge with his permit number thereon when he is operating a taxicab. The badge shall be worn conspicuously on an outer garment. (1978 Code, § 5-409, modified)

9-410. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

(1) Makes written application to the chief of police and submits three (3) recent unretouched, photographs of himself.

(2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.

(3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

(4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.

(5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.

(6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.

(7) Is familiar with the state and local traffic laws. (1978 Code, § 5-410)

9-411. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violation of this chapter. (1978 Code, § 5-411)

9-412. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1978 Code, § 5-412)

9-413. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1978 Code, § 5-413)

9-414. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1978 Code, § 5-414)

9-415. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1978 Code, § 5-415)

9-416. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1978 Code, § 5-416)

9-417. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1978 Code, § 5-417)

9-418. Fares. Fares to be charged for taxicab service shall be prescribed from time to time by resolution of the board of mayor and aldermen. It shall be unlawful for any taxicab owner or driver to charge more or less than the fare prescribed by the board of mayor and aldermen. (1978 Code, § 5-418)

CHAPTER 5**AUCTIONS AND AUCTIONEERS****SECTION**

9-501. Subject to regulation.

9-501. Subject to regulation. Public or private auctions of personal property within the corporate limits of the City of Dyersburg, Tennessee, shall be controlled and governed by the provisions of Tennessee Code annotated, § 62-19-101, et seq., where applicable. (1978 Code, § 5-601, modified)

CHAPTER 6

PAWNBROKERS¹

SECTION

- 9-601. Defined.
- 9-602. License required by state law.
- 9-603. Conducting other business in same building prohibited.
- 9-604. Purchase of property prohibited.
- 9-605. Business hours: Sunday business prohibited.
- 9-606. Business sign.
- 9-607. Dealing with certain persons prohibited.
- 9-608. Certain pledges prohibited.
- 9-609. Return of stolen property to owner.
- 9-610. Pawn tickets and stub book.
- 9-611. Memorandum to be given pledger.
- 9-612. Retention period for pawned articles.
- 9-613. Interest and service charge.
- 9-614. Forfeiture of pledged property.
- 9-615. Damage to pledged property.
- 9-616. Cards for information relative to pawned articles.

9-601. Defined. For the purposes of this chapter, unless the context otherwise appears, a "pawnbroker" shall be deemed to be any person whose business or occupation is to take or receive, by way of pledge, pawn or exchange, any goods, wares or merchandise, or any kind of personal property whatever. (1978 Code, § 5-801)

9-602. License required by state law. It shall be unlawful for any person to engage in the business of a pawnbroker within the city, unless, he first obtains the license required by Tennessee Code Annotated, § 45-6-102. (1978 Code, § 5-802)

9-603. Conducting other business in same building prohibited. No pawnbroker shall carry on any other business or vocation, directly or indirectly, in the same building, or in any building adjoining the place or building in which he is licensed to carry on the business of pawnbroker, loanbroker or keeper of a loan office. No pawnbroker shall permit any other

¹State law reference

Tennessee Code Annotated, title 45, chapter 6.

business of any character whatsoever to be conducted in the same building where the business of the pawnbroker is conducted, provided, that nothing in this section shall be taken to preclude a pawnbroker from selling or disposing of unredeemed and repossessed pledges from his place of business. (1978 Code, § 5-803)

9-604. Purpose of property prohibited. No pawnbroker, loanbroker, or keeper of a loan office shall, in the conduct of such business, under any pretense whatever, purchase or buy any personal property whatsoever. (1978 Code, § 5-804)

9-605. Business hours: Sunday business prohibited. No pawnbroker shall keep open his place of business before 6:00 A.M. or after 6:00 P.M. of any day during the months of June, July, August and September, and not after 7:00 P.M. of any day during the other months of the year; provided, that on Saturday of each week the last fifteen (15) days of December of each year, it shall be lawful for pawnbrokers to keep open until 9:00 P.M. Pawnbrokers shall keep their places of business closed all day Sunday through the entire year. (1978 Code, § 5-805)

9-606. Business sign. Every person licensed under this chapter shall cause his name, with the words "Licensed Pawnbroker," and no other words or symbols, to be printed or painted in large, legible characters, and placed over the outside or door, or entrance of his shop office or place of business. No other sign or marker of any description shall be permitted upon the front of such building. (1978 Code, § 5-806)

9-607. Dealing with certain persons prohibited. No pawnbroker shall take any article in pawn, pledge or as security from any person under legal age, nor from any person appearing to be intoxicated, nor from any person known to such pawnbroker to be a thief, or to have been convicted of larceny, burglary, robbery or housebreaking, without first notifying a police officer. (1978 Code, § 5-807)

9-608. Certain pledges prohibited. (1) No pawnbroker shall take for pledge, pawn or security any device which may be used in the game of chance or gaming device, nor shall he have any device that is or may be used in the following: Chuck-a-luck, crackloot, craps, dice, dice and chips used in the game of craps, equality, "French pool" or Paris mutuel, "keeno," lottery, lotto, pack of cards, pisco, punchboard, rondo, shuffleboard, six-wheel, stock stable, tables used for playing pool and billiards, poker chips and poker tables, ten pin alleys,

roulet wheel of chance, slot machines, faro, grand raffle, or any device used in or for any other game of chance.

(2) No pawnbroker shall take for pledge, pawn or security any razor, except a safety razor, or any dirk, bowie knife or other knife of like kind or size, or any other knife with any blade over two and one-half inches long, sword cane, slingshot, black jack, brass knucks, or Spanish stiletto.

(3) No pawnbroker shall take as pledge, pawn or security any pistol, revolver, automatic pistol, cartridge or shell, or any other device or instrument used in connection with or as a part of any pistol, either automatic or revolver.

(4) It shall be unlawful for any pawnbroker to possess any of the articles enumerated in this section. (1978 Code, § 5-808)

9-609. Return of stolen property to owner. When any person is found to be the owner of stolen property, which has been pawned, such property shall be returned to the owner thereof, without the payment of the amount advanced by the pawnbroker thereon, or any costs or charge of any kind, which the pawnbroker may have placed upon such property. (1978 Code, § 5-809)

9-610. Pawn tickets and stub book. Every pawnbroker shall keep a book which shall be made with a stub, which shall be numbered consecutively and shall correspond in all essential particulars to the detachable pawn ticket attached thereto. The pawnbroker shall at the time of making any loan, enter upon the stub, as well as the pawn ticket, a clear and accurate description, written in ink in the English language of the property pawned, the date and amount of money loaned, when due, the name and residence address of the pawnor and, if the article bears a serial number, the serial number. The pawnor shall sign the stub with his residence address and receive the detached pawn ticket, which shall be signed by the pawnbroker.

The pawnbroker shall deliver daily, except Sunday, to the chief of police before the hour of 10:00 A.M., a correct copy of all entries made in the stub book during the preceding business day. This book shall be carefully preserved without alteration, and shall at all times be open to the inspection of the chief of police or any police officer of the city. (1978 Code, § 5-810)

9-611. Memorandum to be given pledger. Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required by § 9-610 to be made by him in his record book, and an estimated value of the goods, articles or things pledged. No charge shall be made or received by any pawnbroker for any such memorandum or note. (1978 Code, § 5-811)

9-612. Retention period for pawned articles. It shall be unlawful for pawnbrokers to sell, exchange, barter or remove from their place of business, or permit to be redeemed, any of goods pledged, pawned or deposited by, to or with them for a period of forty-eight (48) hours after delivering a copy of the stub book entry covering such articles to the police as required by § 9-610. (1978 Code, § 5-812)

9-613. Interest and service charge. No pawnbroker shall demand or receive any greater rate of interest or compensation than at the rate of six dollars (\$6.00) for the use of one hundred dollars (\$100.00) for one year. No other charge of any description, or for any purpose whatsoever shall be made by the pawnbroker, except that the pawnbroker may charge, contract for and receive, for investigating the security or title, storage of the security, closing the loan and for other expenses, and losses of every nature whatsoever, and for all other services, a fee or not above one percent (1%) per month of the sum loaned on the article taken as security. (1978 Code, § 5-813)

9-614. Forfeiture of pledged property. Every pawnbroker shall retain in his possession every unredeemed pledge or pawn for fifty (50) days after maturity of the loan. If the pledgor shall fail or neglect, for fifty days after maturity of such loan, to redeem the pawned property, the pawnbroker may at any time thereafter, mail a notice to the pledge owner, at the residence address designated by him on the stub of the book required to be kept by § 9-610, which notice shall give the number of the pawn ticket and a description of the property pledged, and in addition shall notify the pledgor that the property must be redeemed within ten (10) days of the notice and specify the date, and that upon his failure to redeem within this time the pledged property will be forfeited to the pawnbroker and the right of the pledgor thereafter to redeem divests. This notice shall be in form substantially as follows:

_____ 19____

City	County	State
To _____	Name _____	
_____	No. Street _____	
_____	City _____	
_____	State _____	

You are hereby notified to redeem your pledged property on or before ten days from date, to-wit _____ (give date) or the same will be

forfeited to the pawnbroker under your agreement; and your right to redeem your pledged property will thereafter be divested. Your pawn ticket is No. _____. The property pledged by you as security is described as follows:

(General description of property)

Pawnbroker

No. Street

Upon the date of mailing such notice, it shall also be the duty of the pawnbroker to publish a notice in a daily newspaper published in the city in substance, as follows:

(Date) _____

To Pledgors and Pawnors:

You and each of you are hereby notified that the owners of pawn ticket number _____ to _____, inclusive, must redeem the pledges represented by your pawn ticket on or before _____ 19____, or your right to redeem will be forfeited.

Pawnbroker

If, notwithstanding such notice, the person obtaining the loan shall fail to redeem pawned or pledged property within the ten (10) days designated in the notice, the pledgor shall thereby forfeit all right, title and interest of, in and to such pawned and pledged property to the pawnbroker, who shall thereby acquire an absolute title to it, and the debt become satisfied. The pawnbroker shall have authority to sell or dispose of those unredeemed pledges as his own property.

This section shall be printed in full on the back of the pawn ticket required to be given to the pledgor. (1978 Code, § 5-814)

9-615. Damage to pledged property. If any pledgor, upon redeeming his property, finds that it has been damaged and rendered less valuable, the

amount of damage done to such property shall be deducted from the amount due the pawnbroker. If the damage done to the property is greater than that amount due the pawnbroker, the pawnbroker shall reimburse the owner for the damage done to such property. (1978 Code, § 5-815)

9-616. Cards for information relative to pawned articles.

(1) Generally. In addition to the book provided for in § 9-610, every pawnbroker, at the time of receiving any article in the conduct of his business, shall place a description of the article or things pledged upon the front side of a blank form card, three inches by five inches in size, which card shall be provided by the pawnbroker. The description to be given of such article shall be such description as may be called for by the blank form on such card. The pawnbroker shall fill in such other blank spaces as may appear on the front side of such blank form card with the data as is requested by the blank spaces. A separate card shall be provided and used for each article pledged, received or taken.

On the back of each blank form card there shall be written by the pledgor, in his own handwriting, his name and address and such pledgor shall also reproduce thereon his right thumbprint at the place indicated therefor on the back of such card. In the event the right thumb is amputated then such other fingerprint as required by the pawnbroker shall be taken and such fingerprint fully described and designated upon the card. This thumbprint shall be reproduced and taken in the usually approved manner and shall not be blurred or obliterated. The pawnbroker shall then fill in a description of the party so pledging or leaving any such article as the remaining spaces on the back side of such blank form card may call for.

(2) Types and colors. The blank cards provided for in this division shall be four separate types; one type for watches, which card shall be blue in color; one type for jewelry and diamonds, which card shall be yellow in color; one type for clothing, which card shall be pink in color; one type for miscellaneous article, such as adding machines, cash registers, check protectors, typewriters, dictaphones, and musical instruments, which card shall be white in color.

(3) Forms and required information generally. The cards provided for by this division shall be on such forms as are prescribed by the chief of police and shall contain such information as required by him as to specific items or property pledged to or otherwise received by the pawnbroker.

(4) Information to be on back of all cards. The back side of all types of cards required by this division shall be in the following form and contain the following printed matter thereon:

Signature _____
Address _____

Description of customer. To be filled out by dealer.

Sex _____ Age _____ Height, Ft. _____ In. _____

Weight, Lbs. _____. Race or Nationality _____

Clothing _____

Complexion _____

Date of Birth _____

Document establishing birth date: _____

Right Thumb

Include serial number where available _____

(5) Pawnbroker to fill in proper types and deliver to police. Every pawnbroker shall fill in the proper type card for each article pledged to or otherwise received by him and he shall deliver to the chief of police, every day before the hour of 12:00 Noon, all of such cards describing articles, pledged, pawned, or received during the preceding day. Such cards may be mailed to the office of the chief of police or his designee in lieu of personal delivery, if the envelope in which the same are mailed bears the post date of the day on which such property was received.

(6) Inspection by police. The card records provided for in this division shall be at all reasonable times open to the inspection of the chief of police or any of his designees. (1978 Code, § 5-816)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of Dyersburg and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Dyersburg and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #B-277, in the office of the city recorder.

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS.

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

- 10-101. Keeping regulated.
- 10-102. Definitions.
- 10-103. Keeping near residences, etc., restricted.
- 10-104. Cleanliness and sanitation requirements.
- 10-105. Issuance of orders and notices.
- 10-106. Care of animals and fowls.
- 10-107. Right to enter premises to make inspections.
- 10-108. Violations.

10-101. Keeping regulated. No owner, lessee, tenant, subtenant, or other occupant of any property, public or private, located within the corporate limits of the City of Dyersburg, Tennessee, shall keep, maintain, or cause to be kept any swine, sheep, mules, or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, or livestock.

It shall be unlawful for any person owning or being in charge of any horses or cattle knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1978 Code, § 3-101)

10-102. Definitions. The following terms used in this chapter shall have the meanings respectively ascribed to them in this section.

(1) "Animals and fowls" specifically named herein, by whatever name they might be called, include every age and sex of each of the named species.

(2) "Keeper" refers to any person, firm, or corporation owning, keeping, having, using, or maintaining any of the specified animals or fowls herein named and referred to.

(3) "Person" includes any individual, firm, or corporation.

¹Charter reference

City humane commission: § 7A.

(4) "Approval" means approval by the health officer pursuant to power granted to him by this chapter.

(5) "Rodent-proof" means a state or condition not conducive to the entry, feeding, or harboring of rodents.

(6) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission.

(7) "Health officer" refers to the city's legal health authority or his authorized representative. (1978 Code, § 3-102)

10-103. Keeping near residences, etc., restricted. No animals or fowls described in § 10-101 shall be kept within the corporate limits of the City of Dyersburg, Tennessee, nor will horses or cattle be kept within a distance of fifty linear feet of any residence, place of business, industry, or establishment within the corporate limits of the City of Dyersburg, Tennessee. (1978 Code, § 3-103)

10-104. Cleanliness and sanitation requirements. No animals or fowls shall be kept in any place where manure or liquid discharges from them shall collect or accumulate to any degree of offensiveness. Such manure and liquids shall be promptly removed to some proper place of disposal and/or effectively stored between periods of removal in closed containers, which shall provide for maximum fly, rodent, and odor control.

Stalls, stables, pens, yards, and appurtenances in which animals or fowls are kept shall be maintained at all times in a clean and wholesome condition so that no offensive odor shall be allowed to escape therefrom, and no rodents, flies, or other insects will be able to breed therein or become attracted thereto.

Buildings, pens, yards and appurtenances constructed for the purpose of housing and impounding animals or fowls shall conform to the city zoning ordinance, shall have adequate drainage, and shall be constructed so as to facilitate adequate routine cleaning. (1978 Code, § 3-104)

10-105. Issuance of orders and notices. It shall be the duty of the health officer or his authorized representative to issue orders requiring the removal of animals or fowls from within the corporate limits when the keeping of same is in violation of this chapter or may constitute a hazard to the public health. He, or his authorized representative, may issue orders requiring owners or keepers of such animals or fowls, or owners, tenants, and lessees of properties where they are quartered, to routinely clean stalls, stables, pens, and yards and, to maintain all appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at all times following the receipt of such orders from the health officer, either by mail or posted on the premises, will be considered as justification to cause the removal of such animals or fowls from within the corporate limits. Every keeper of such animals or fowls shall

cause feed provided for them to be kept and stored in a rat-proof, fly-tight, building, box, or receptacle. (1978 Code, § 3-105)

10-106. Care of animals and fowls. No keeper of animals or fowls, including places where they may be kept or impounded, shall allow his premises, or any animals or fowls kept or impounded thereon, to become dangerous or detrimental to human life, health, or welfare by reason of want of care, food, ventilation, cleanliness, or other failure to comply with the provisions of this chapter. (1978 Code, § 3-106)

10-107. Right to enter premises to make inspections. The health officer, or his authorized representative, may enter onto any premises, public or private, at any reasonable hour of the day, to make inspections for the purpose of carrying out the provisions of this chapter. (1978 Code, § 3-107)

10-108. Violations. Any person who shall violate any provision of this chapter, or who shall fail or refuse to comply with any notice issued by the health officer with reference to the enforcement of the provisions of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided by the general penalty clause for this code. In addition, any person whose violation has caused the issuance of any order to remove animals or fowls from the corporate limits shall be subject to the injunctive processes of local courts of competent jurisdiction. (1978 Code, § 3-108)

CHAPTER 2

DOGS

SECTION

- 10-201. Title.
- 10-202. Definitions.
- 10-203. Administration.
- 10-204. Vaccination required.
- 10-205. Animal control officer to promulgate rates and regulations.
- 10-206. Dogs to wear tags evidencing vaccination.
- 10-207. Running at large.
- 10-208. Impoundment or destruction of violating dogs authorized.
- 10-209. Care while in custody.
- 10-210. Owner of a registered dog to be notified of impoundment.
- 10-211. Notification to owners of unregistered dogs.
- 10-212. Redemption of impounded dog by owner; fees.
- 10-213. Authority to impound dogs.
- 10-214. Interfering with city personnel.
- 10-215. Transportation of dogs through city.
- 10-216. Confining or isolating dogs upon suspicion of rabies.
- 10-217. Concealing dogs kept in violation of this chapter.
- 10-218. Proud bitches to be confined.
- 10-219. Noisy dogs prohibited.
- 10-220. Keeping of vicious dog(s)--unlawful.
- 10-221. Classification of a dog as vicious.
- 10-222. Requirements for the maintenance of a vicious dog.

10-201. Title. This chapter shall be cited as the "city animal control ordinance." (1978 Code, § 3-201, as replaced by Ord. #BB-585, Nov. 2006)

10-202. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) "Animal control officer." The person designated by the board of mayor and aldermen as the animal control officer.
- (2) "Dog." All members of the dog family, three (3) months or more of age, including any dog exhibited or shown in any dog show or other type of public exhibition and including any dog offered for sale, barter, or trade within the corporate limits of the City of Dyersburg, Tennessee.
- (3) "Owner." Any person, firm, corporation, or organization who keeps, harbors or otherwise cares for a dog, or who permits the dog to remain on or about his premises.

(4) "Vaccination." The injection of a rabies vaccination for dogs which meets the standards prescribed by the U.S. Department of Agriculture for interstate sale. (1978 Code, § 3-202, as replaced by Ord. #BB-585, Nov. 2006)

10-203. Administration. The administration of this chapter shall be under the supervision and control of the animal control officer, duly appointed or designated by the board of mayor and aldermen. (1978 Code, § 3-203, as replaced by Ord. #BB-585, Nov. 2006)

10-204. Vaccination required. It shall be unlawful for any person to own, keep, or harbor a dog that has not been vaccinated against rabies as required by this chapter. Evidence of such vaccination shall consist of a certificate bearing the owner's name and address, number of vaccination tag issued, date of vaccination, date the dog shall be revaccinated, description and sex of the dog vaccinated, type and lot number of vaccine administered, and the signature of the person administering the vaccine. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the state board of veterinary medical examiners to practice medicine in the State of Tennessee. The owner of the dog is required to provide proof of the dog's vaccination against rabies to the animal control officer upon request. If the owner is not able to provide proof of the dog's vaccination against rabies, then the animal control officer shall cause the dog to be vaccinated at the owner's expense. (1978 Code, § 3-204, as replaced by Ord. #BB-585, Nov. 2006)

10-205. Animal control officer to promulgate rules and regulations. It is the duty of the animal control officer to promulgate such rules and regulations pertaining to the vaccination of dogs against rabies as may be necessary for the proper enforcement of the requirements of this chapter. (1978 Code, § 3-205, as replaced by Ord. #BB-585, Nov. 2006)

10-206. Dogs to wear tags evidencing vaccination. Every dog owner shall attach a metal tag or other evidence of vaccination to a collar which shall be worn at all times by the dog vaccinated, provided that the collar may be removed in the case of hunting dogs, while going or returning from a hunt or chase. However, nothing herein shall be construed as permitting the use of an unvaccinated dog for a hunt, chase, or otherwise. (1978 Code, § 3-206, as replaced by Ord. #BB-585, Nov. 2006)

10-207. Running at large. (1) No dog shall be allowed to run or be at large within the city, unless such dog is on a leash in the hands of a person physically and mentally capable of managing it, so that it shall not bite or injure any person or animal, or damage any property.

(2) The owner of any dog who allows said dog to run at large shall be guilty of a municipal offense and subject to a fine in an amount not to exceed

fifty dollars (\$50.00). (1978 Code, § 3-207, as replaced by Ord. #BB-585, Nov. 2006)

10-208. Impoundment or destruction of violating dogs authorized.

The animal control officer and its representatives shall take up and impound any dog found running at large in violation of § 10-207 of this code, provided that if any dog so found is sick, injured, or poses a danger to the general public, such personnel may humanely destroy such dog immediately. If, in the attempt to catch any dog, it becomes impossible to secure it safely without danger of personal injury, the personnel of the City of Dyersburg Police Department, may destroy the dog by the use of a firearm, provided the same can be accomplished safely without injury to either persons or property. (1978 Code, § 3-208, as replaced by Ord. #BB-585, Nov. 2006)

10-209. Care while in custody. The animal control officer shall provide clean, comfortable, and sanitary quarters for all dogs, keeping males, females, and vicious dogs in separate stalls, and shall provide a liberal allowance of wholesome food and fresh, clean water. (1978 Code, § 3-209, as replaced by Ord. #BB-585, Nov. 2006)

10-210. Owner of registered dog to be notified of impoundment.

If any dog seized as provided in this chapter is registered in accordance with § 10-222(f) below, the animal control officer shall give notice either in person, by telephone, or by postcard sent by U.S. mail to the address of the owner given on the registration record, within twenty-four (24) hours after the seizure of such dog, advising said owner to appear within three (3) days and redeem his dog, or the same may be humanely destroyed at the discretion of the animal control officer. If the owner does not appear within three (3) days to redeem his dog, the dog may be humanely destroyed or otherwise disposed of at the discretion of the animal control officer. (1978 Code, § 3-210, as replaced by Ord. #BB-585, Nov. 2006)

10-211. Notification to owners of unregistered dogs. If any unregistered dog is seized and the owner of the unregistered dog is not readily ascertainable, then the animal control officer shall post notice of the seizure/impoundment, which notice shall include a description of the dog and the location and date of the seizure/impoundment, at the animal shelter. The notice shall also advise any person claiming to be the owner to appear within three (3) days and redeem his dog, or the same may be humanely destroyed at the direction of the animal control officer. If the owner does not appear within three (3) days to redeem his dog, the dog may be humanely destroyed or otherwise disposed of at the discretion of the animal control officer. (1978 Code, § 3-211, as replaced by Ord. #BB-585, Nov. 2006)

10-212. Redemption of impounded dog by owner; fees. If the owner appears to redeem his dog, he shall pay for each dog so seized and impounded, a per day boarding fee for each day that the dog remains unclaimed. All such fees shall be in accordance with the current fee schedule promulgated by the animal control officer and maintained on file at the animal shelter. If the dog so seized has not been vaccinated, the animal control officer shall cause the dog to be vaccinated prior to the release of the dog at the owner's expense.

The payment of the fees as set forth herein, however, shall not relieve the owner from any other penalty for violation of this chapter. (1978 Code, § 3-212, as replaced by Ord. #BB-585, Nov. 2006)

10-213. Authority to impound dog. The animal control officer, all police officers, and all other authorized personnel of the City of Dyersburg shall have the right to enter onto private or public property and to seize and impound any dog found in violation of any provision of this chapter to the animal shelter maintained by the animal control officer. (1978 Code, § 3-213, as replaced by Ord. #BB-585, Nov. 2006)

10-214. Interfering with city personnel. It shall be unlawful for any person to interfere with or hinder the animal control officer, his designees, any police officer, or any other authorized personnel of the City of Dyersburg in the discharge of their duties undertaken in the enforcement of the provisions of this chapter. (1978 Code, § 3-214, as replaced by Ord. #BB-585, Nov. 2006)

10-215. Transportation of dogs through the city. This chapter shall not be construed to prohibit transportation of dogs through the city, provided they are securely confined or kept upon a leash during their transportation through the city. (1978 Code, § 3-215, as replaced by Ord. #BB-585, Nov. 2006)

10-216. Confining or isolating dog upon suspicion of rabies. If any dog has bitten any person or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer may cause such dog to be confined or isolated for such time as may be deemed necessary by the animal control officer to verify whether the dog is infected with rabies. (1978 Code, § 3-216, as replaced by Ord. #BB-585, Nov. 2006)

10-217. Concealing dogs kept in violation of this chapter. Any person who shall hide, conceal, or aid or assist in hiding or concealing any dog owned, kept, or harbored in violation of any provisions of this chapter shall be guilty of a municipal offense and shall be fined an amount not to exceed the maximum penalty assessable under the Dyersburg Municipal Code. (1978 Code, § 3-217, as replaced by Ord. #BB-585, Nov. 2006)

10-218. Proud bitches to be confined. Every owner of a proud bitch is required to confine her for twenty-four (24) days during the time she is proud. Every person violating the provisions of this section shall be guilty of a municipal offense and subject to a fine under the general penalty clause for this code. In addition, any person working under the supervision of the animal control officer or the chief of police shall be authorized to seize, impound or destroy any proud bitch found at large in violation of this section. The owner shall pay an impounding fee as well as a per day boarding fee, for each day or fraction thereof that the dog remains unclaimed as a condition to the release of the dog. (1978 Code, § 3-218, as replaced by Ord. #BB-585, Nov. 2006)

10-219. Noisy dogs prohibited. No person shall own, keep or harbor any dog, which, by loud and frequent barking, whining, or howling, annoys or disturbs the peace and quiet of the public. (1978 Code, § 3-219, as replaced by Ord. #BB-585, Nov. 2006)

10-220. Keeping of vicious dog(s)–unlawful. It shall be unlawful to keep and maintain a vicious dog in violation of this chapter. Any person who is found in violation of this chapter shall be subject to a fine not to exceed the maximum penalty assessable under the Dyersburg Municipal Code for each day, with each day constituting a separate violation. Vicious dogs that are not confined in compliance with this chapter are declared to be a public safety hazard justifying immediate impoundment by the animal control officer. (1978 Code, § 3-220, as replaced by Ord. #BB-585, Nov. 2006)

10-221. Classification of a dog as vicious. (1) A dog may be classified as vicious if it meets one or more of the following categories:

- (a) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
- (b) Any dog which, without provocation, attacks, bites, or has bitten, a human being or domestic animal, on public or private property;
- (c) Any dog, which, when unprovoked, chases or approaches a person on public or private property, in a menacing or aggressive fashion, such that the individual is placed in imminent fear of bodily harm;
- (d) Any dog owned or harbored, primarily or in part, for dog fighting, or any dog trained for dog fighting;
- (e) Any dog not owned by a governmental or law enforcement agency used primarily to guard public or private property;
- (f) Any dog that tends to endanger the safety of a human being by the habitual chasing of automobiles, trucks, bicycles, motorcycles, motorbikes, or motor scooters on either public or private property.

(2) The animal control officer, the Dyersburg Police Department, and other authorized representatives of the city shall investigate reported incidences

of any dog that may be considered vicious and make an initial determination as to whether probable cause exists for the classification of the dog as vicious and/or for finding that the dog is not maintained in accordance with the requirements of this chapter. Upon such determination being made, the animal control officer shall issue a summons against the owner of the dog requiring the owner to appear in the city court at a hearing no less than five (5) days from the issuance of the summons. At the hearing, the city judge shall make specific findings regarding:

- (a) Whether the dog should be classified as vicious; and
- (b) Whether the dog has findings regarding:
 - (i) Whether the dog should be classified as vicious; and
 - (ii) Whether the dog has been maintained in accordance with the requirements of this chapter.

Upon an affirmative finding by the city judge on either of the aforesaid issues, the judge may levy a fine up to fifty dollars (\$50.00), require that the dog be maintained in accordance with the requirements of this chapter; and/or order the humane destruction of the dog by the animal control officer. The judge shall also assess court costs and order restitution to the animal control officer of all fees that the animal shelter has incurred in the care and boarding of the dog, including an impounding fee, a boarding fee for each day or fraction thereof that the dog was confined to the animal shelter, and any other fees or expenses that the animal shelter has or shall have incurred in the humane destruction of the dog. (1978 Code, § 3-222, as replaced by Ord. #BB-585, Nov. 2006)

10-222. Requirements for the maintenance of a vicious dog. The owner of any dog found to be vicious under § 10-221 shall be required to maintain such dog in accordance with the following conditions:

(1) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or structure outdoors. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, then the sides must be embedded into the ground by no less than two (2) feet. All such pens must be adequately lit and ventilated and kept in a clean and sanitary condition and must be inspected by the animal control officer.

(2) Leash and muzzle. No vicious dog shall be permitted to go beyond the premises of the owner or custodian unless the dog is securely muzzled and restrained by a leash, and under the control of any individual mentally and physically capable of managing it. The muzzle shall be fastened to the dog in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(3) Signs. There shall be displayed in a prominent place on the premises a warning sign indicating the presence of a vicious dog. The sign shall be visible and capable of being seen from the public highway or thoroughfare.

A similar sign must also be posted on the dog's pen or kennel indicating the presence of a vicious dog.

(4) Insurance. The owner of a vicious dog must within thirty (30) days of the effective date of this chapter provide proof of liability insurance to the animal control officer in the minimum amount of fifty thousand dollars (\$50,000.00). Said policy must insure the owner for any personal injuries inflicted by his dog and must cover the twelve (12) month period during which licensing is sought. The insurance policy shall contain a provision requiring the City of Dyersburg to be named as an additional insured for the sole purpose of providing notification to the City of Dyersburg by the insurer of any cancellation, termination, or lapse of said insurance policy.

(5) Notification of change of status. The owner or person whose name appears on the permit pursuant to subsection (6) below of a vicious dog shall notify the animal control officer within twenty-four (24) hours that said dog is loose, unconfined, has attacked a human or another domestic animal, has died, or has been sold or given away. If the dog has been sold or given away, the owner or permittee shall provide the animal control officer with the name, address, and telephone number of the new owner.

(6) Registration and permit. No person shall own or maintain a vicious dog within the city limits until he or she receives a permit from the animal control officer certifying that all the requirements of this chapter have been met. The animal control officer shall issue a permit to any applicant who complies with the requirements of this section. The owner of the dog shall pay a fee of twenty-five dollars (\$25.00) for the permit. The permit shall be issued by the animal control officer upon a determination by the animal control officer that all requirements under this section have been met. Any permit issued under this section may be revoked by the animal control officer for failure by the owner to comply with any provision of this section. Notice of revocation shall be issued in writing by the animal control officer and served upon the owner, either in person or by delivery via U.S. mail, to the address on the registration card revoking said permit. Upon written request of the owner, the owner shall be given the right to be heard by the board of mayor and aldermen as to why the permit should not be revoked. Such request must be made within five (5) days of receipt of the notice of revocation.

(7) Existing ownership of vicious dogs. Any owner or custodian of a vicious dog in existence at the time this section becomes effective, shall have thirty (30) days in which to obtain the permit and otherwise achieve compliance with the conditions set forth in subsection (1) through (6) above. (as added by Ord. #BB-585, Nov. 2006)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. ANTI-LITTER ORDINANCE.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.
 11-103. Open containers prohibited.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1978 Code, § 10-228, modified)

¹Municipal code references

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

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).

11-102. Minors in beer places. No person under eighteen (18) years of age shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises unless such place is licensed to sell liquor by the drink or derives fifty percent (50%) or more of its income from the sale of food. (1978 Code, § 10-222, modified)

11-103. Open containers prohibited. It shall be unlawful for any occupant of any vehicle, moving or stationary, to have in their possession an open can or bottle of beer or intoxicating liquor.

CHAPTER 2

OFFENSES AGAINST THE PERSON

SECTION

11-201. Assault and battery.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1978 Code, § 10-201)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1978 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creation of any unnecessary loud or disturbing noise is determined to be detrimental to the health and welfare of the city and its residents and is prohibited.

(1) Miscellaneous prohibited noises. The creation of the following noises is prohibited:

(a) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on or near the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any hospital, residence, motel or public building.

(b) Buildings, structures, apartments. Frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, including sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

(c) Portable audio equipment. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the source.

(d) Blowing horns. Frequent, repetitive or continuous sounding of any horn on any motor vehicle.

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

(f) Vehicle audio sound systems. Sound from motor vehicle audio sound systems, such as tape players, radios, and compact disc

players, operated at a volume so as to be audible greater than fifty feet (50') from the vehicle.

(g) Vehicle. Loud and unnecessary grating, grinding, rattling or other noise emanating from a motor vehicle which is out of repair.

(h) Exhaust discharge. The noise resulting from the exhaust of any steam engine, stationary internal, combustion engine, motor vehicle, or boat engine, excepting however, any such noise discharged through a muffler or other similar device.

(i) Loudspeakers or amplifiers on vehicles. Noise emanating from mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(j) Pets. Frequent or continued noises emanating from animal, bird, or fowl which shall disturb the comfort or repose of any person in the vicinity.

(k) Noises to attract attention. Noise emanating from any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public businesses.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the

county, or the state, when the public welfare and convenience renders it impossible to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1978 Code, § 10-233)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Escape from custody or confinement.

11-402. Impersonating a government officer or employee.

11-403. False emergency alarms.

11-404. Resisting or interfering with city personnel.

11-405. Coercing people not to work.

11-401. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1978 Code, § 10-209)

11-402. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1978 Code, § 10-211)

11-403. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1978 Code, § 10-217)

11-404. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1978 Code, § 10-210)

11-405. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1978 Code, § 10-230)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

- 11-501. Air rifles, etc.
- 11-502. Throwing missiles.
- 11-503. Discharge of firearms.
- 11-504. Sidearms, firearms, etc.
- 11-505. Parent or guardian's responsibility for juvenile.

11-501. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1978 Code, § 10-213)

11-502. Throwing missiles. It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile or to discharge any bow and arrow upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1978 Code, § 10-214, modified)

11-503. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1978 Code, § 10-212, modified)

11-504. Sidearms, firearms, etc. It shall be unlawful for any person to carry a sidearm or other firearm without a proper permit or other such authorization.

11-505. Parent or guardian's responsibility for juvenile. It shall be unlawful for any parent or guardian who knows that a juvenile is in illegal possession of a firearm on school property, a public park, playground or civic center, to fail to prevent such possession or fail to report it to the appropriate officials.

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-601. Trespassing on trains.

11-602. Malicious mischief.

11-603. Interference with traffic.

11-601. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1978 Code, § 10-221)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1978 Code, § 10-225)

11-603. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever or to park any motor vehicle, on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1978 Code, § 10-232, modified)

CHAPTER 7

MISCELLANEOUS

SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc.
- 11-704. Curfew for minors.
- 11-705. Tampering with or bypassing utility meters.
- 11-706. Loitering, congregating, or assembling on city property.
- 11-707. Excessive yard sales.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1978 Code, § 10-223)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1978 Code, § 10-231)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1978 Code, § 10-226)

11-704. Curfew for minors. (1) It is unlawful for any minor between seventeen (17) and eighteen (18) years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg during the following time frames:

- (a) Monday through Thursday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.);
- (b) Friday through Sunday between the hours of twelve o'clock (12:00) midnight to six o'clock (6:00) A.M.

(2) It is unlawful for any minor sixteen (16) years of age or younger to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg during the following time frames:

- (a) Monday through Thursday between the hours of ten o'clock P.M. (10:00 P.M.) to six o'clock A.M. (6:00 A.M.);
- (b) Friday through Sunday between the hours of eleven o'clock P.M. (11:00 P.M.) to six o'clock A.M. (6:00 A.M.).

(3) It is unlawful for a parent or guardian of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any public street, highway, park, vacant lot, establishment or other public place within the City of Dyersburg, under circumstances not constituting an exception too, or otherwise beyond the scope of subsections (1) and (2). The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

(4) The following are valid exceptions to the operation of the curfew:

(a) At any time, if a minor is accompanied by such minor's parent or guardian;

(b) 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;

(c) Until the hour of twelve-thirty A.M. (12:30 A.M.), if the minor is on an errand as directed by such minor's parent;

(d) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home 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 the minor's employment. To come within this exception the minor must be carrying written evidence of employment which is issued by the employer;

(e) Until the hour of twelve-thirty A.M. (12:30 A.M.) if the minor is on the property of or on the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto, if the owner of the adjacent building does not communicate an objection to the minor and the law enforcement officer;

(f) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of 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 one o'clock A.M. (1:00 A.M.).

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

(h) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor, with the minor's home address and telephone number, addressed to the Mayor of the City of Dyersburg specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication; and

(i) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

(5) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(a) In the case of a first violation, and if in the opinion of the officer such action would be effective, take the child to the child's home and warn and counsel the parents or guardians;

(b) Issue a summons to the child and/or parents or guardians to appear at the juvenile court; or

(c) Bring the child into the custody of the juvenile court for disposition.

(6) (a) A minor violating the provisions of this section shall commit an unruly act disposition of which shall be governed pursuant to Title 37.

(b) Any parent, guardian, or other person having the care, custody and control of a minor violating the provisions of this section shall be fined no more than fifty dollars (\$50.00) for each offense; each violation of the provisions of this section shall constitute a separate offense. (1978 Code, § 10-224, as replaced by Ord. #BB-581, Aug. 2006)

11-705. Tampering with or bypassing utility meters. It shall be unlawful for any person, firm, or corporation to damage, tamper with, or bypass any gas, water, or electric meter within the corporate limits of Dyersburg, Tennessee.

It shall be unlawful for any person to "jump" electric meters or to run electric lines directly from the electric transmission lines of the City of Dyersburg to the house, home, outbuildings, or business or premises occupied by them or any other person, firm, or corporation without passing through an electric meter furnished by the city for that purpose. It shall be unlawful for any person to run gas or water lines directly from city gas or water mains without passing through water or gas meters. It shall be unlawful to use or consume any gas, water, or electricity without paying therefor. (1978 Code, § 10-235)

11-706. Loitering, congregating, or assembling on city property.

It shall be unlawful for any person or group of persons to loiter, congregate, or assemble on property owned by the City of Dyersburg after the hours of 10:00 P.M. to 6:00 A.M. unless for a legitimate purpose or function approved by the board of mayor and aldermen. (1978 Code, § 10-236, modified)

11-707. Excessive yard sales. It shall be unlawful for any person, firm or organization to have, hold or participate in more than two (2) yard, garage, carport or house sales within a twelve (12) month period of time at any residence or lot in the residential zone or in the business zone without proper license.

Each yard sale may not last more than seven (7) days and a permit must be purchased at city hall and posted in the yard for the entire duration of the sale. No advertising signs for the sale will be permitted on utility poles or any other public property. (1978 Code, § 10-237, modified)

CHAPTER 8

ANTI-LITTER ORDINANCE

SECTION

11-801. Definitions.

11-802. Littering generally.

11-803. Sweeping into gutters, etc; abutting businesses to keep sidewalks clean.

11-804. Littering from vehicles.

11-805. Private premises to be kept free of litter.

11-806. Monthly pickups by city.

11-807. Notice to violators.

11-808. Violations.

11-801. Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings:

(1) "Litter" is paper, wrappings, cigarettes, cardboard, bottles, tin cans, glass, and all other refuse materials, and out-of-date posters, placards, and advertisements.

(2) "Person" is any person, firm, partnership, association, company, or organization of any kind. (1978 Code, § 8-1001)

11-802. Littering generally. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public trash receptacles, and no person shall throw or deposit litter upon private property. (1978 Code, § 8-1002)

11-803. Sweeping into gutters, etc.; abutting businesses to keep sidewalks clean. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying business property shall keep the public sidewalk in front of their premises free from litter. (1978 Code, § 8-1003)

11-804. Littering from vehicles. No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property; and a driver of a vehicle shall not allow litter to be thrown, deposited, or to fall from such vehicle within the city or upon private property. (1978 Code, § 8-1004)

11-805. Private premises to be kept free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit

the storage of litter in authorized private receptacles for collection. (1978 Code, § 8-1005)

11-806. Monthly pickups by city. The City of Dyersburg will monthly pick up certain litter and trash which is packaged and placed at the curb of a city street as authorized and prescribed by the city, at the times so designated by the city; provided, however, it shall be unlawful to so accumulate or place litter and trash at any time other than during the time so designated. (1978 Code, § 8-1006, modified)

11-807. Notice to violators. The chief of police or his authorized delegate is hereby authorized and empowered to notify the owner or person in control of property, or the agent of such owner or person in control of property, or the agent of such owner or person in control, of any violation of the provisions of this chapter. Such notice shall be mailed to such person's last known address. Provided, however, that failure to send any such notice shall not prevent the invoking of the penalty provisions of this code. (1978 Code, § 8-1007)

11-808. Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and penalized in accordance with the general penalty clause of this municipal code. (1978 Code, § 8-1008, modified)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.
7. UNSAFE BUILDINGS.
8. MECHANICAL CODE.
9. EXISTING BUILDINGS CODE.
10. SWIMMING POOL CODE.
11. DISABILITY CODE.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code², 1999 edition, as prepared and adopted by the International Code Council, and C.A.B.O. One and Two Family Dwelling Code, 1998 edition, are hereby adopted and incorporated by reference as a part of this code, and is

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

hereinafter referred to as the building code. (1978 Code, § 4-101, as amended by Ord. #BB-451, Jan. 1997, modified; Ord. #BB-504, Sept. 1999, BB-525A, Jan. 2002, and Ord. #BB-559, Sept. 2004)

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen of the municipality. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the building code. The permit fees shall be in accordance with the usual and customary fees promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current schedule of permit fees consult the schedule of fees on file with the city recorder. (1978 Code, § 4-102, modified)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1978 Code, § 4-103, modified)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1978 Code, § 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,² 1997 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1978 Code, § 4-201, as amended by Ord. #BB-451, Jan. 1997, modified, and Ord. #BB-525A, Jan. 2002)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1978 Code, § 4-202)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

be kept there for the use and inspection of the public. (1978 Code, § 4-203, modified)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1978 Code, § 4-204)

CHAPTER 3

ELECTRICAL CODE¹

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,² 1999 edition, and any subsequent editions, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1978 Code, § 4-301, modified, as amended by Ord. #BB-525A, Jan. 2002)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1978 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1978 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1978 Code, § 4-304)

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

²Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

12-305. Enforcement. The electrical inspector shall be such person as the power board shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1978 Code, § 4-305, modified)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1978 Code, § 4-306)

CHAPTER 4

GAS CODE¹

SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the municipality and may be cited as such.

The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

(3) "Gas company" means any gas department of the city.

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1978 Code, § 4-401)

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

¹Municipal code reference

Gas system administration: title 19, chapter 1.

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,¹ 1997 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1978 Code, § 4-402, as amended by Ord. #BB-451, Jan. 1996, modified, and Ord. #BB-525A, Jan. 2002)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1978 Code, § 4-403)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$25,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1978 Code, § 4-404)

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

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the board of mayor and aldermen. (1978 Code, § 4-405)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the health department, the fire department, and the gas department, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1978 Code, § 4-406)

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

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

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1978 Code, § 4-407, modified)

12-408. Inspections. (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1978 Code, § 4-408)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1978 Code, § 4-409)

12-410. Fees. The inspection fees shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fees consult the schedule of fees on file with the city recorder. (1978 Code, § 4-410, modified)

12-411. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1978 Code, § 4-411, modified)

12-412. Nonliability. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1978 Code, § 4-412)

CHAPTER 5

HOUSING CODE

SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,¹ 1994 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1978 Code, § 4-501, as amended by Ord. #BB-451, Jan. 1996, modified, and Ord. #BB-525A, Jan. 2002)

12-502. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 109 of the housing code is deleted. (1978 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1978 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1978 Code, § 4-504)

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

CHAPTER 6

MODEL ENERGY CODE¹

SECTION

- 12-601. Model energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violation and penalty.

12-601. 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. (Ord. #BB-451, Jan. 1996, as amended by Ord. #BB-525A, Jan. 2002)

12-602. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Dyersburg. 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.

12-603. 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

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

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

12-604. 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.

CHAPTER 7

UNSAFE BUILDINGS

SECTION

- 12-701. Burned-out buildings to be removed.
- 12-702. Dilapidated buildings to be removed.
- 12-703. Violations.
- 12-704. Removal of offending buildings by city.
- 12-705. Unsafe building abatement code adopted.

12-701. Burned-out buildings to be removed. It shall be unlawful for any person, firm, or corporation to permit any burned-out building or structure which is unsafe for human occupancy to remain upon any real estate located within the corporate limits of the City of Dyersburg, Tennessee, for a period of more than sixty (60) days following the date of the damage to or partial destruction thereof by fire. (1978 Code, § 4-601)

12-702. Dilapidated buildings to be removed. It shall further be unlawful for any person, firm, or corporation to permit the presence upon any real estate owned by them located within the corporate limits of the City of Dyersburg, Tennessee, of any building or structure which has been declared unsafe or unfit for human occupancy by the building inspector of the City of Dyersburg, Tennessee, because of structural defects therein caused by depreciation, dilapidation, windstorm, or other casualty or intentional or negligent damage thereto. (1978 Code, § 4-602)

12-703. Violations. Any person, firm, or corporation found guilty of violating any provision of this chapter shall be fined under the general penalty clause for this municipal code and each day of continued violation after the posting of a notice on such buildings or structures by the city building inspector will constitute a separate offense. (1978 Code, § 4-603)

12-704. Removal of offending buildings by city. In addition to the penalties provided by § 12-703, the failure of any owner of real estate to demolish, remove, repair, or replace any building or structure declared unsafe for human occupancy by the city building inspector within thirty (30) days after the posting of notice on such building or structure will serve as an irrevocable appointment by the owner of such real estate of the city building inspector as his or its agent, with full authority to arrange for the removal of such building or structure from the real estate and shall entitle the person, firm, or corporation performing such demolition and removal work to claim any and all statutory liens on said real estate which are provided by general state laws with reference to mechanic's liens.

In the event the city building inspector finds it necessary to arrange for the demolition and removal of any unsafe building or structure by city employees, then the City of Dyersburg, Tennessee, shall have a lien upon such real estate which shall be enforceable the same as liens for unpaid city taxes thereon. (1978 Code, § 4-604)

12-705. Unsafe building abatement code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, within or without the city, the Standard Unsafe Building Abatement Code,¹ 1995 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (as added by Ord. #BB-525A, Jan. 2002)

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

CHAPTER 8

MECHANICAL CODE¹

SECTION

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

12-801. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the Standard Mechanical Code,² 1997 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (Ord. #BB-451, Jan. 1997, modified, as amended by Ord. #BB-525A, Jan. 2002)

12-802. Modifications. Definitions. Wherever the mechanical code refers to the "Building Department," "Mechanical Official," or "Building Official," or "Inspector" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the mechanical code.

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

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

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

CHAPTER 9

EXISTING BUILDINGS CODE¹

SECTION

12-901. Existing buildings code adopted.

12-902. Modifications.

12-903. Available in recorder's office.

12-904. Violations.

12-901. Existing buildings code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-516, and for the purpose of providing a concise set of regulations and procedures to effect safety in occupancy, the Standard Existing Buildings Code,² 1994 edition, as prepared by the Southern Building Code Congress International, Inc., is adopted and the same is incorporated herein by reference, subject to modifications as hereinafter provided, and shall be known and referred to as the standard existing buildings code. (Ord. #BB-451, Jan. 1997)

12-902. Modifications. Whenever the standard existing buildings code refers to the "Chief Appointing Authority" it shall be deemed to be a reference to the board of mayor and aldermen of the city and whenever the same refers to the "Chief Administrator" it shall be deemed to be a reference to the board of mayor and aldermen of the city. Whenever the standard existing buildings code shall refer to the "Building Official" it shall mean such person designated by the board of mayor and aldermen to administer and enforce the provisions of the various standard codes of the city.

12-903. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the standard existing buildings code shall be placed on file in the office of the recorder and the same shall be kept there for the use and inspection of the public.

12-904. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the standard existing buildings code or any final

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

order made pursuant thereto. Such violation is declared an offense against the city and for which punishment shall be a fine of not more than \$50 for each such violation. Each day that a violation occurs shall be deemed a separate offense. The building official or his or her deputy or assistant is empowered to issue citations to answer in the municipal court of the city by any person, firm or corporation found to be in such violation.

CHAPTER 10

SWIMMING POOL CODE¹

SECTION

12-1001. Swimming pool code adopted.

12-1002. Modifications.

12-1003. Available in recorder's office.

12-1004. Violations.

12-1001. Swimming pool code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of setting standards for the design, construction, or installation, alteration, repair or alterations of swimming pools, public or private and equipment related thereto. The Standard Swimming Pool Code,² 1994 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the swimming pool code. (as added by Ord. #BB-525A, Jan. 2002)

12-1002. Modifications. Definitions. Whenever the swimming pool code refers to the "Administrative Authority," it shall be deemed to be a reference to the Building Official or his authorized representative. When the "Building Official" is named it shall, for the purposes of the swimming pool code, mean such person as the board of mayor and aldermen has appointed or designated to administer and enforce the provisions of the swimming pool code. (as added by Ord. #BB-525A, Jan. 2002)

12-1003. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the swimming pool code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #BB-525A, Jan. 2002)

12-1004. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the swimming pool code as herein adopted by reference and modified. (as added by Ord. #BB-525A, Jan. 2002)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

CHAPTER 11

DISABILITY CODE

SECTION

12-1101. Disability code adopted.

12-1102. Available in clerk's office.

12-1101. Disability code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of allowing a person with a physical disability to independently get to, enter, and use a site, facility, building, or element, the ANSI Disability Code, A117-1,¹ 2002 edition with 2004 revisions, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the disability code. (as added by Ord. #BB-525A, Jan. 2002, and amended by Ord. #BB-559, Sept. 2004, and Ord. #BB-580, Aug. 2006)

12-1102. Available in clerk's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the disability code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (as added by Ord. #BB-525A, Jan. 2002, and amended by Ord. #BB-559, Sept. 2004, and Ord. #BB-580, Aug. 2006)

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

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. WEEDS.
3. SLAUGHTERING AND SELLING MEATS, ETC.
4. AUTOMOBILE GRAVEYARDS.
5. ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY.
6. SWIMMING POOLS.
7. REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS.

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

- 13-101. Health officer.
13-102. Stagnant water.
13-103. Dead animals.
13-104. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be such municipal, county or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1978 Code, § 8-1501)

13-102. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (1978 Code, § 8-1504)

13-103. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1978 Code, § 8-1505)

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

13-104. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1978 Code, § 8-1506)

CHAPTER 2

WEEDS

SECTION

- 13-201. Weeds, etc., to be kept clipped.
- 13-202. Notice to cut.
- 13-203. Cutting by city.
- 13-204. Collection of costs incurred by city.
- 13-205. Attorney's fee for collecting costs.

13-201. Weeds, etc., to be kept clipped. The owners of all lots or lands in the city are hereby required to keep all weeds, grass, brush and noxious growths of any kind upon such property cut, trimmed, clipped or cleared. (1978 Code, § 8-401)

13-202. Notice to cut. Upon the failure of any owner of property within the limits of the city to cut, or have cut, trimmed, clipped or cleared, such weeds, grass, brush or noxious growths as described in the first section of this chapter, it shall be the duty of the street department, acting by and through the director of public works, his deputy or agent, to serve a notice on the owner of such property to cut or have cut, trimmed, clipped or cleared, within ten (10) days of the service of such notice, all weeds, grass, brush or noxious growths upon his, her, or their property. Such notice may be served personally on the owner of the property, may be mailed to the last known address of such owner by registered or certified mail, or may be posted on the property on which such weeds, grass, brush, or noxious growths exist. Service of notice by any of the above methods shall be due notice within the meaning of this chapter. (1978 Code, § 8-402, modified)

13-203. Cutting by city. Upon the failure of any owner of lots or lands in the city to cut or cause to be cut weeds, grass, brush or noxious growths upon the property described in the notice mentioned above, within ten (10) days thereof, the street department, acting through the director of public works and at his direction, is authorized and directed to cut or have cut, trimmed, clipped or cleared, such weeds, grass, brush or noxious growths and a statement of the cost thereof shall be prepared by the office of the director of public works and filed with the city recorder for collection. Pursuant to the authority conferred by the General Assembly of Tennessee, a lien is hereby declared on such property for all costs and expenses of cutting or clearing incurred by the street department. (1978 Code, § 8-403, modified)

13-204. Collection of costs incurred by city. Upon receipt of such statement of costs, the city recorder shall bill the owner, by regular mail, in a

manner similar to that followed in mailing monthly utility bills, for the amount of the costs incurred by the city for such cutting or clearing of his property, and all such bills or charges shall bear interest at the rate of eighteen percent (18%) per annum, during that period of time commencing thirty (30) days after the date of mailing such bills or statements of charges and ending on the date of payment. At the same time unpaid real estate taxes are certified or turned over to the city attorney for collection, the city recorder may also certify or turn over to him for collection all unpaid and uncollected bills or charges for weed cutting and the city attorney shall file suit or take such other steps as may be necessary to enforce the lien for same on such property. (1978 Code, § 8-404, as amended by Ord. #BB-578, June 2006)

13-205. Attorney's fee for collecting costs. All uncollected items for weed cutting for each year, including interest, and all costs incurred by the city in cutting and clearing weeds, grass, brush or noxious growths, after notice to the property owner as herein provided, are hereby declared to be a special tax to be collected as other general taxes levied by the city, including real estate taxes and special assessments. When placed in the hands of the city attorney for collection, ten per cent (10%) of the unpaid charges for such costs incurred by the city, shall be added to principal and interest for the attorney's services in making such collections and retained by him. (1978 Code, § 8-405)

CHAPTER 3

SLAUGHTERING AND SELLING MEATS, ETC.

SECTION

13-301. Slaughter house regulations.

13-302. Selling of meats regulated.

13-303. Violations.

13-301. Slaughter house regulations. No animals, fowls, or fish may be slaughtered or dressed except in a slaughter house which meets the following sanitary regulations:

(1) The floor of the slaughter house must be of smooth cement so constructed as to be easily cleaned and so as to provide a drain for all liquids at one or two points, the drains to be connected to the city sanitary sewer.

(2) The walls and ceilings of the slaughter house shall be well plastered, wainscoted, or sealed with metal or lumber with a smooth surface and shall be painted a light color.

(3) Walls, ceilings, and floors shall be kept washed clean with soap and water and an ample supply of water from an approved source must be conveniently provided for flushing and washing the floors and walls and ceilings and the implements, containers, and accessories of the business.

(4) Buildings must be fly-proof and rodent-proof and all openings must be well screened.

(5) An ample supply of hot water must be provided for a thorough cleaning at least daily of all implements and containers used. The entire premises must be thoroughly cleaned and all refuse and waste products removed daily.

(6) All employees of said slaughter house must wear clean clothes must be free from any contagious disease, and must secure a health certificate before working in the slaughter house or handling any of the implements or food products.

(7) The slaughter house must be separated from any possible source of contamination by a distance of at least one hundred (100) feet.

(8) At no time shall there be allowed to exist on the premises of any slaughter house an unclean, unhealthful, or unsanitary condition. All fresh meats shall be securely protected at all times from flies, insects, dust, dirt, and from any and all foreign or injurious contamination so that it will be pure and wholesome at all times. (1978 Code, § 8-601)

13-302. Selling of meats regulated. It shall be unlawful to sell, market, or purvey the fresh meats of any animal, fish, or fowl which has not been slaughtered in a sanitary slaughter house under the conditions set forth hereinabove. Fresh meats or fish dressed and slaughtered in accordance with

this chapter may be sold, marketed, or purveyed from a place of business, wagon, or hack, or truck provided said business, wagon, hack or truck is constructed so that same is thoroughly sanitary and so that the meat is well iced and is kept in such a manner that it is not exposed to flies, insects, and/or any foreign matter or substance.

Fresh whole fish may be sold from screened in wagons, trucks, or hacks provided said fresh whole fish are iced and kept under sanitary conditions, but all dressed fish must be dressed in a regularly supervised, and established slaughter house. (1978 Code, § 8-602)

13-303. Violations. Any person who violates any of the provisions of this chapter, or who refuses to comply with any lawful orders or requirements of the sanitarian of the City of Dyersburg, duly made in writing pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine under the general penalty clause for this code.

It shall be the duty of the city sanitarian or his duly appointed deputy or assistant upon learning of the violation of any provision of this chapter to institute a prosecution in the name of the City of Dyersburg against the person or persons committing the violation. (1978 Code, § 8-603)

CHAPTER 4

AUTOMOBILE GRAVEYARDS

SECTION

13-401. "Automobile graveyard" defined.

13-402. Permit required.

13-403. Regulations applicable.

13-404. Existing automobile graveyards.

13-405. Violations.

13-401. "Automobile graveyard" defined. For the purposes of this chapter "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only. (1978 Code, § 8-801)

13-402. Permit required. No person shall own or maintain any "automobile graveyard" within the city until he shall receive a permit so to do from the city recorder. The city recorder shall issue such a permit to any applicant whose premises comply with the requirements of this and all other applicable ordinances of the city. Any permit so issued may be revoked by the city recorder for failure to comply with any requirement of this chapter. However, charges shall be preferred in writing by the recorder and served upon the permittee and he shall be given the right to be heard as to why his license should not be revoked.

Any person aggrieved by the city recorder's action relative to the issuance or revocation of an "automobile graveyard" permit may appeal to the city governing body which shall hold a hearing and decide whether or not the city recorder's action was reasonable. Based upon its findings at such hearing the city governing body shall affirm or reverse the city recorder's action. (1978 Code, § 8-802)

13-403. Regulations applicable. All "automobile graveyards" within the city shall be operated and maintained subject to the following regulations:

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

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

(3) Such "automobile graveyards" shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1978 Code, § 8-803)

13-404. Existing automobile graveyards. Any owner and/or operator of an "automobile graveyard" in existence at the time this chapter becomes effective shall have sixty (60) days in which to get a permit or remove the offending vehicles. (1978 Code, § 8-804)

13-405. Violations. Any person owning or maintaining an "automobile graveyard" in violation of any provision of this chapter shall be punishable under the general penalty clause for this code. (1978 Code, § 8-805)

CHAPTER 5

ABANDONED MOTOR VEHICLES ON PRIVATE PROPERTY

SECTION

- 13-501. Restrictions on keeping.
- 13-502. Violations.
- 13-503. Notice to suspected violators.
- 13-504. Failure to comply with notice.
- 13-505. Removal of offending vehicles by chief of police.
- 13-506. Authority of city personnel to enter private premises.
- 13-507. Deadline for abating nuisance privately.
- 13-508. Each day constitutes a separate offense.

13-501. Restrictions on keeping. It shall be unlawful to park, store, or leave, or to permit the parking or storing of any licensed or unlicensed motor vehicle of any kind, for a period in excess of seventy-two hours, which is in a rusted, wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is connected with a business enterprise operated in a lawful place and manner and licensed as such and when necessary to the operation of such business enterprise. (1978 Code, § 8-901)

13-502. Violations. The accumulation and storage of one or more such vehicles in violation of the provisions of this chapter shall constitute rubbish and unsightly debris, and a nuisance detrimental to the health, safety, and general welfare of the inhabitants of the City of Dyersburg, and it shall be the duty of the registered owner of such motor vehicle and it shall also be the duty of the person in charge or control of the private property upon which such motor vehicle is located whether as owner, tenant, occupant, lessee, or otherwise to remove the same to a place of lawful storage, or to have the motor vehicle housed within a building where it will not be visible from the street. (1978 Code, § 8-902)

13-503. Notice to suspected violators. Whenever there is reasonable grounds to believe that a violation of a provision of this chapter exists, the chief of police will give, or cause to be given, written notice that said motor vehicle violates the provisions of this chapter and demand that said motor vehicle be removed to a place of lawful storage within ten days of the mailing of such notice, or within ten days of the mailing of such notice said motor vehicle be housed in a building where it will not be visible from the street and advise of the intention of the chief of police to remove and impound such motor vehicle if it

has not been so removed or housed at the end of such time. Such notice will be given by:

- (1) Affixing notice on such motor vehicle;
- (2) Sending notice by mail to the owner of such motor vehicle at his last known address if the owner is reasonably ascertainable; and
- (3) By sending notice by mail to the person owning or controlling the property on which the motor vehicle is located. (1978 Code, § 8-903)

13-504. Failure to comply with notice. Any person who fails, neglects or refuses to remove the abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle or to house the same and abate said nuisance in accordance with the notice given pursuant to the provisions of § 13-503 of this chapter, shall be in violation of the provisions of this chapter and shall be guilty of a misdemeanor. (1978 Code, § 8-904)

13-505. Removal of offending vehicles by chief of police. In addition to and not in lieu of any other procedure prescribed in this chapter or in this code for removal of abandoned motor vehicles from private property, if the registered owner of such vehicle which is in violation of this chapter or the owner or person in lawful possession or control of the private property upon which same is located shall fail, neglect, or refuse to remove or house such abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle in accordance with the notice given pursuant to the provisions of § 13-503 of this chapter, the chief of police may remove and impound said motor vehicle until lawfully claimed. If not lawfully claimed within a period of ten days, the chief may dispose of such vehicle at public sale and he may thereafter maintain an action in the name of the City of Dyersburg, in the appropriate court, against any person, or persons upon whom notice was served as required by § 13-503 of this chapter to recover the cost of removing, impounding, and disposing of such motor vehicle in the event the proceeds of any sale thereof shall be insufficient to recover such cost. Any such unsatisfied cost shall become a lien upon the real property upon which said motor vehicle was located in violation of this chapter, said lien to be satisfied as any other delinquent tax lien. (1978 Code, § 8-905)

13-506. Authority of city personnel to enter private premises. The chief of police, any regularly employed and salaried officer of the police department of the City of Dyersburg, contracting agents of the City of Dyersburg, and employees of such contracting agents, and authorized office employees and agents of the City of Dyersburg, and each of them, are hereby expressly authorized to enter upon property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder, or refuse to allow them to enter upon private property for such purpose

and to remove any motor vehicle in accordance with the provision of this chapter. (1978 Code, § 8-906)

13-507. Deadline for abating nuisance privately. Any person to whom notice was given pursuant to § 13-503 of this chapter shall have the right to remove or house such motor vehicle in accordance with said notice at his own expense at any time prior to the arrival of the chief of police or his authorized representatives for the purpose of removal of said motor vehicle. (1978 Code, § 8-907)

13-508. Each day constitutes a separate offense. Each day any violation under this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (1978 Code, § 8-908)

CHAPTER 6

SWIMMING POOLS

SECTION

- 13-601. Minimum standards adopted.
- 13-602. Definitions.
- 13-603. Plans, specifications, etc., to be submitted.
- 13-604. Existing pools shall be made to comply.
- 13-605. Health officer to enforce chapter.
- 13-606. Inspections by health officer authorized.
- 13-607. Weekly inspections required as a minimum.
- 13-608. Permit required for each pool; suspension or revocation.
- 13-609. Application for a permit; issuance or denial of permit.
- 13-610. Permit to be posted; term.
- 13-611. Operator in addition to lifeguard required.
- 13-612. Lifeguard required.
- 13-613. Records required to be kept for each pool.
- 13-614. Test kits required.
- 13-615. Vacuum cleaners required.
- 13-616. Walls and bottoms to be kept clean and in good repair.
- 13-617. Filters required.
- 13-618. Equipment for chlorination, etc., required.
- 13-619. Overflow gutters to be kept clean and open.
- 13-620. Proper water level to be maintained.
- 13-621. Patrons to take showers and be free from apparent infection, etc.
- 13-622. Showers, toilets, etc., to be kept clean and in good repair.
- 13-623. Plumbing facilities to be properly constructed and maintained.
- 13-624. Drinking fountains to be properly constructed and maintained.
- 13-625. Drinking water be potable, etc.
- 13-626. Waste containers shall be provided in bathhouses.
- 13-627. First aid and medical facilities to be provided.
- 13-628. Violations.

13-601. Minimum standards adopted. All sections, 1 through 40, of the TDPH/SE-Proposed Minimum Standards for Public Pools, Revised, March, 1965, hereinafter referred to as "Minimum Standards, shall be applicable as a part of and along with the several provisions of this chapter. For private swimming pools, the 1994 Standard Swimming Pool Code, as promulgated by the Southern Building Code Congress International, Inc., shall be applicable as a part of and along with the several provisions of this chapter. (1978 Code, § 8-1101, as amended by ord. #BB-451, Jan. 1996, modified)

13-602. Definitions. The following definitions shall apply along with those set out in the "Minimum Standards" in the interpretation of this chapter.

(1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(2) "Person." Any and all persons, including any individual, firm, or association, and any municipal or private corporation, or institution organized or existing under the laws of this or any other state.

(3) "Certified life guard." An individual who has successfully completed an American Red Cross Senior Life Saving Course and holds a current certificate of qualification. (1978 Code, § 8-1102)

13-603. Plans, specifications, etc., to be submitted. Plans, specifications, and supporting data shall be prepared and submitted in duplicate to the health officer for approval as outlined in § 2 of the "Minimum Standards"; provided, that the health officer may assume the responsibility of reviewing and approving plans and specifications as deemed necessary by the health officer and in all cases within a year after the effective date of the provisions in this chapter. (1978 Code, § 8-1103)

13-604 Existing pools shall be made to comply. Public pools in existence at the time the provisions in this chapter become effective shall be made to comply with the provisions of said chapter within a reasonable time. (1978 Code, § 8-1104)

13-605. Health officer to enforce chapter. It shall be the duty of the health officer to enforce provisions of this chapter. (1978 Code, § 8-1105)

13-606. Inspections by health officer authorized. The health officer is hereby authorized and directed to make inspections to determine conditions at all public pools in order that he may perform his duty of safeguarding the health and safety of those individuals using said public pools and facilities. The health officer shall have the power to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter and he shall be given access to any records and shall be furnished such information as required to make his inspection complete. (1978 Code, § 8-1106)

13-607. Weekly inspections required as a minimum. Inspections of public pools shall be made at least once per week during any and all times that said public pools are in actual operation or are open for public use. Water samples shall be taken for bacteriological examination at the time inspections are made. (1978 Code, § 8-1107)

13-608. Permit required for each pool; suspension or revocation.

It shall be unlawful for any public pool to be operated by any person at any time unless he holds a valid permit issued by the health officer in the name of such person for that specific public pool. The health officer is hereby authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter; provided that exceptions may be made for those public pools regulated by the Regulations Governing Organized Camps as authorized, by Pub. Acts 1965, ch. 65. (1978 Code, § 8-1108)

13-609. Application for a permit; issuance or denial of permit.

The application for a permit to operate a public pool shall be made in writing, in the name of the person making application, to the health officer. At this time an inspection of the public pool under consideration shall be made by the health officer. If he is satisfied that the requirements of this chapter are met the permit shall be issued. If deficiencies are found, issuance of the permit shall be denied, until said deficiencies are corrected. (1978 Code, § 8-1109)

13-610. Permit to be posted; term.

Permits for operation of public pools shall be conspicuously posted on the public pool premises at all times. Said permits shall be good for one (1) calendar year only unless revoked or suspended by the health officer. (1978 Code, § 8-1110)

13-611. Operator in addition to lifeguard required.

All public pools shall be operated and maintained by a qualified person, other than a lifeguard on duty, and said person shall be on duty at all times when the public pool is open for use by the public. The operator shall demonstrate to the satisfaction of the health officer that he is competent to conduct the operation of the public pool in accordance with the provisions of this chapter. (1978 Code, § 8-1111)

13-612. Lifeguard required.

A certified lifeguard be provided at all public pools, and he shall be on duty at all times when said pool is being used by the public. Each life guard shall show and have on file at the pool premises a current certificate or documentary evidence of qualification; provided, that, exceptions may be made for type D and E pools by the health officer if swimming is done under adult supervision. (1978 Code, § 8-1112)

13-613. Records required to be kept for each pool.

Operators of all public pools shall keep a daily record of at least tests for free chlorine residual or residual of any approved. Sanitizing agent that may be used, pH, and backwash frequency. This information and such additional information as may be required by the health officer shall be recorded on a form and with such frequency as prescribed by the health officer. (1978 Code, § 8-1113)

13-614. Test kits required. Test kits of the type and range as described in § 32 of the "Minimum Standards" shall be provided by the owner or sponsoring agency of each public pool and shall be kept at each public pool for the operator's use. (1978 Code, § 8-1114)

13-615. Vacuum cleaners required. Facilities shall be installed for the operation of a vacuum cleaner and that vacuum cleaning equipment which meets the criteria of § 29 of the "Minimum Standards" shall be provided at all public pools. (1978 Code, § 8-1115)

13-616. Walls and bottoms to be kept clean and in good repair. Walls and bottoms of all public pools shall be kept clean at all times. Frequency of vacuuming and scrubbing shall be such as to fulfill the above requirement. Pool walls and bottoms shall be maintained in a state of good repair at all times. (1978 Code, § 8-1116)

13-617. Filters required. Filters shall be operated continuously to provide 3 to 4 daily turnovers in filtered water in all public pools. (1978 Code, § 8-1117)

13-618. Equipment for chlorination, etc., required. Equipment for chlorination, hypochlorination, and other chemical treatment meeting the criteria of the "Minimum Standards" shall be provided at all public pools. Said equipment shall be operated in a manner to maintain a water quality as described in § 34 of the "Minimum Standards" at all times in public pools when they are being used by the public. (1978 Code, § 8-1118)

13-619. Overflow gutters to be kept clean and open. Overflow gutters shall be kept clean and overflow outlets open at all times. (1978 Code, § 8-1119)

13-620. Proper water level to be maintained. The water level in all public pools shall be maintained at the proper operating level at all times. (1978 Code, § 8-1120)

13-621. Patrons to take showers and be free from apparent infection, etc. All persons shall be required to take showers before entering any public pool. Any person having any apparent skin disease, sore or inflamed eyes, cough, cold, nasal or ear discharge, wearing bandages, or having any communicable disease shall be excluded from public pools except on presentation of a current written permit signed by a physician. (1978 Code, § 8-1121)

13-622. Showers, toilets, etc., to be kept clean and in good repair.

Walls and floors in shower, toilet, and dressing rooms shall be kept clean and in a state of good repair at all times. (1978 Code, § 8-1122)

13-623. Plumbing facilities to be properly constructed and maintained. All plumbing facilities shall be of approved construction and design and shall be kept clean and in good repair at all times. (1978 Code, § 8-1123)

13-624. Drinking fountains to be properly constructed and maintained. All drinking fountains shall be of approved construction and design and shall be kept clean and sanitary at all times. (1978 Code, § 8-1124)

13-625. Drinking water to be potable etc. All drinking water shall be safe, potable, adequate, and under pressure, and otherwise meet the approval of the health officer. (1978 Code, § 8-1125)

13-626. Waste containers shall be provided in bathhouses. Waste containers provided in bathhouse facilities shall be of fire resistant construction. Covered containers shall be provided at or near each commode in women's toilet facilities. (1978 Code, § 8-1126)

13-627. First aid and medical facilities to be provided. First aid supplies meeting the approval of the health officer shall be provided at all public pools when said pools are in use. Arrangements should be made with a local physician for prompt medical aid in the event of an emergency. (1978 Code, § 8-1127)

13-628. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to comply with any notice issued by the health officer with reference to the enforcement of the provisions of this chapter shall be guilty of a misdemeanor. (1978 Code, § 8-1128)

CHAPTER 7

REMOVAL OF VEGETATION AND DEBRIS FROM CERTAIN LOTS

SECTION

13-701. Definition.

13-702. Notice.

13-703. Collection of costs.

13-704. When owner is carrier engaged in the transportation of property or is a utility.

13-705. Hearing.

13-706. Exceptions.

13-707. Other provisions.

13-701. Definition. "Municipality," as used in this section, is the City of Dyersburg. (1978 Code, § 8-1201)

13-702. Notice. If it is determined by the municipality's department of public works that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the director of public works shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to the following elements:

(1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

(2) The person, office, address and telephone number of the department or person giving notice;

(3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing. (1978 Code, § 8-1202)

13-703. Collection of costs. If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the director of public works shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent

jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. (1978 Code, § 8-1203)

13-704. When owner is carrier engaged in the transportation of property or is a utility. If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas liquids, steam, sewerage or other materials, the ten-day period of the first sentence of § 13-703 shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays. (1978 Code, § 8-1204)

13-705. Hearing. The municipality shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to § 13-702 above. A request for a hearing shall be made within ten (10) days allowing the receipt of the notice issued pursuant to § 13-702 above. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

Any person aggrieved by an order of the board, under the provisions of this section may seek judicial review of the order or act. The time period established in § 13-703 above shall be stayed during the pendency of a hearing. (1978 Code, § 8-1205)

13-706. Exceptions. The provisions of this section do not apply to any parcel or property upon which an owner-occupied residence or a privately owned cemetery is located. (1978 Code, § 8-1206)

13-707. Other provisions. The provisions of this section are in addition and supplemental to and not in substitution for, similar authority in any municipality's charter or other applicable law.

In the event a privately owned cemetery would otherwise meet the requirements of this section, and if a Boy Scout Troop or other organization were to remedy the conditions existing on such property, the municipality shall be

prohibited from filing a lien against such property for a value of the work performed by such organization. Such organization shall be immune from any legal action for damages, and no cause of action for civil or criminal liability may be brought by the owner of record of the cemetery or descendants of those buried in the cemetery against such organization, so long as reasonable care is taken by such organization not to violate Tennessee Code Annotated, §§ 46-2-105, 46-3-108, or any other provision of law, rule or regulation. (1978 Code, § 8-1207)

TITLE 14**ZONING AND LAND USE CONTROL¹****CHAPTER**

1. REGIONAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. TRAILERS AND TRAILER COACH PARKS.

CHAPTER 1**REGIONAL PLANNING COMMISSION****SECTION**

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; two of these shall be the mayor and an aldermen selected by the board of mayor and aldermen; the other seven (7) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the seven (7) members appointed by the mayor shall be for three (3) years each. Three (3) of the members first appointed shall be appointed for a three (3) year term, three (3) for a two (2) year term, and one (1) for a one (1) year term. The terms of the mayor and the aldermen selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1978 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1978 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the

¹The ordinance adopting the Dyersburg Stormwater Manual and all amendments thereto are available in the city recorder's office.

additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1978 Code, § 11-103)

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 City of Dyersburg shall be governed by Ordinance Number _____, titled "Zoning Ordinance, Dyersburg, Tennessee," and any amendments thereto.¹

¹Ordinance No. _____, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

CHAPTER 3

TRAILERS AND TRAILER COACH PARKS

SECTION

- 14-301. Definitions.
- 14-302. License.
- 14-303. License fee.
- 14-304. Application for license.
- 14-305. Trailer coach park plan.
- 14-306. Location.
- 14-307. Water supply.
- 14-308. Sanitation facilities.
- 14-309. Laundry facilities.
- 14-310. Sewage disposal.
- 14-311. Garbage disposal.
- 14-312. Fire protection.
- 14-313. Animals and pets.
- 14-314. Register of occupants.
- 14-315. Revocation of license.
- 14-316. Posting of license.

14-301. Definitions. The following words and terms, when used in this chapter, shall have the meanings indicated:

- (1) "Dwelling" means a house, apartment building, or other permanent building designed or used primarily for human habitation.
- (2) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence, or hedge.
- (3) "Park" means trailer coach park.
- (4) "Person" means any natural individual.
- (5) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- (6) "Trailer coach park" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (7) "Trailer coach space" means a plot of ground within a trailer coach park designed for the accommodation of one trailer coach.
- (8) "Dependent trailer coach" means a trailer coach which does not have a toilet and a bath or shower.
- (9) "Independent trailer coach" means a trailer coach which has a toilet and a bath or shower.

(10) "Dependent trailer coach space" means a trailer coach space which is designed to accommodate a trailer coach but does not have sewer and water connections to accommodate a toilet and a bath or shower in a trailer coach.

(11) "Independent trailer coach space" means a trailer coach space which has approved sewer and water connections designed to accommodate the toilet and bath or shower contained in an independent trailer.

(12) "Health officer" means the health officer of the City of Dyersburg, Tennessee, or his authorized representative. (1978 Code, § 5-701)

14-302. License. It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Dyersburg, Tennessee, any trailer coach park unless such person shall first obtain a license therefor. Each trailer coach park in existence upon the effective date of these provisions shall immediately obtain such license. Within sixty (60) days after such effective date, each park shall comply with the provisions of § 14-304 by filing an application for a license in the manner therein specified. Within six (6) months after such effective date, each park shall comply with all the requirements of this chapter.

Licenses shall not be transferable. (1978 Code, § 5-702)

14-303. License fee. The annual license fee for each trailer coach park shall be equal to not greater than the amount allowed by the state privilege tax laws. (1978 Code, § 5-703)

14-304. Application for license. (1) Applications for trailer coach park licenses shall be issued by and filed with the city building inspector. Such applications shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the trailer coach park.
- (c) A complete plan of the park showing compliance with § 14-305 hereof.
- (d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
- (e) Such information as may be requested by the building inspector to enable him to determine if the proposed park will comply with the requirements of this chapter and any other applicable provisions.

(2) The application and all accompanying plans, specifications, and other data shall be filed in triplicate. The building inspector, health officer, and mayor (or his duly authorized representative) shall investigate each applicant, inspect all trailer coach parks which are in existence upon the effective date of these provisions, and inspect the plans and specifications for all proposed trailer

coach parks. If an applicant is found to be of good moral character and the existing or proposed trailer coach park is, or will be, in compliance with all provisions of this chapter and all other applicable ordinances or statutes, the building inspector shall approve the application and, upon completion of the park in accordance with the plans, this chapter and other applicable provisions, shall issue the license. (1978 Code, § 5-704)

14-305. Trailer coach park plan. The trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well drained site and shall be properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Each trailer coach space shall consist of a minimum of fourteen hundred (1400) square feet, shall have a minimum width of thirty-five (35) feet, and shall be clearly defined. Trailer coaches shall be so located on each space that there shall be at least fifteen (15) feet clearance between trailer coaches. No trailer coach shall be located closer than fifty (50) feet from a dwelling nor closer than ten (10) feet from any property line bounding the park itself.

(3) All trailer coach spaces shall abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet located approximately fifteen (15) feet above the ground.

(4) Walkways not less than two (2) feet wide shall be provided from the trailer coach spaces to required service buildings. These walkways shall be lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100) feet approximately fifteen (15) feet above the ground.

(5) Each park designed with spaces for dependent trailer coaches, or permitting independent trailer coach spaces to be occupied by dependent trailer coaches, even though such occupancy is only for a single night, shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities as hereinafter more particularly described.

(6) Approved weather-proof electrical outlets supplying at least one hundred and ten (110) volts shall be provided for each trailer coach space. (1978 Code, § 5-705)

14-306. Location. Trailer coach parks shall be located only in the districts prescribed in the zoning ordinance of the City of Dyersburg.

Trailers shall not be parked on any public thoroughfare, street, alley, or other public place in the City of Dyersburg, Tennessee, for more than one (1) hour when no emergency for repairs exists. (1978 Code, § 5-706)

14-307. Water supply. An adequate supply of water under pressure, from a source and of a quality approved by the Tennessee Department of Public

Health, shall be provided and, where possible, approved municipal water supplies shall be used. Water shall be piped to each trailer lot. There shall also be a water outlet provided in each shower room, wash room, laundry room, sink, and night waste container washing facility. (1978 Code, § 5-707)

14-308. Sanitation facilities. Each park designed with spaces for dependent trailer coaches, or permitting such coaches to occupy independent trailer coach spaces, even though such occupancy is only for a single night, shall provide service buildings equipped with approved toilets, baths or showers, slop sinks and other sanitation facilities and shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than one (1) flush toilet for every ten (10) dependent trailer coach spaces; one (1) shower or bath tub for every dependent trailer coach space; and one (1) lavatory for every twenty (20) dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(3) Toilet and urinal facilities for men shall consist of not less than one (1) flush toilet for every fifteen (15) dependent trailer coach spaces; one (1) shower or bath tub for every dependent trailer coach space; and one (1) lavatory for every ten (10) dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(4) An independent trailer coach may be parked on a dependent trailer coach space, but the requirements of subsections (2) and (3) immediately hereinabove specified shall not thereby be affected.

(5) A dependent trailer coach may be parked on an independent trailer coach space. In such event such space shall be regarded as being a dependent trailer coach space during the period of such occupancy by a dependent trailer coach for the purpose of determining compliance with the provisions of subsections (2) and (3) of this section.

(6) Service buildings housing toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems, and shall be located not closer than ten (10) feet nor farther than one hundred and fifty (150) feet from any dependent trailer coach space.

(7) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(8) The service buildings shall be well lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing; and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October 1 to

May 1. The floors of the service building shall be of water impervious material and shall slope to a floor drain connected with the sewerage system.

(9) In every type of trailer coach park, all service buildings, trailers, trailer coach spaces, and the grounds of the parks shall be maintained in a clear, sightly condition and shall be kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1978 Code, § 5-708)

14-309. Laundry facilities. Provisions for laundry facilities shall be optional if the trailer coach park does not permit dependent trailer coaches to occupy any space thereon. If dependent trailer coaches are permitted, the following provisions for laundry facilities shall be mandatory:

The laundry facilities shall be provided in the ratio of one (1) double laundry tub and ironing board for every twenty (20) trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located, conveniently near the ironing board. Drying space shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. (1978 Code, § 5-709)

14-310. Sewage disposal. Waste from showers, bath tubs, toilets, slop sinks and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer disposal or septic tank system of such construction and in such manner as to conform to the specifications of the health officer. All kitchen sinks, washbasins, and bath or shower tubs in any trailer coach harbored in any park shall empty into the sanitary drain located on the trailer coach space. (1978 Code, § 5-710)

14-311. Garbage disposal. Fly tight metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than one hundred and fifty (150) feet from any trailer coach space. The cans shall be kept in a sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage can shall not overflow. (1978 Code, § 5-711)

14-312. Fire protection. Every park shall be equipped at all times with a fifty (50) pound CO₂ fire extinguisher in good working order for every twenty (20) trailer coach spaces. It shall be located not farther than two hundred (200) feet from any trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1978 Code, § 5-712)

14-313. Animals and pets. No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1978 Code, § 5-713)

14-314. Register of occupants. (1) It shall be the duty of each licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (a) Name and address of each occupant.
- (b) The make, model, and year of all automobiles and trailer coaches.
- (c) License number and owner of each trailer coach and the automobile by which it is towed.
- (d) The dates of arrival and departure of each trailer coach.

(2) The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. Such register records shall not be destroyed for a period of three (3) years following the date of registration. (1978 Code, § 5-714)

14-315. Revocation of license. The health officer shall make a periodic inspection of each park to assure compliance with this chapter. In case of non-compliance with any provision of this chapter, the health officer shall serve a warning to the licensee. Thereafter upon failure of the licensee to remove the violation, the health officer shall recommend to the board of mayor and aldermen, revocation of the offending park's license. The board shall hold a hearing on the matter and upon determination of non-compliance shall revoke the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law. (1978 Code, § 5-715)

14-316. Posting of license. The license certificate shall be conspicuously posted in the office of or on the premises of the trailer coach park at all times. (1978 Code, § 5-716)

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

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

CHAPTER 1**MISCELLANEOUS²****SECTION**

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

¹Municipal code reference

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

²State law references

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

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Accidents.
- 15-123. Non-standard colored motor vehicle lights prohibited.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1978 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1978 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1978 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1978 Code, § 9-109)

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

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

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

(c) Upon a roadway designated and signposted by the municipality 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. (1978 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1978 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1978 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality. (1978 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1978 Code, § 9-114)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

¹Municipal code references

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

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

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. (1978 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc.

When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. The chief of police shall have the authority to post and maintain all such additional traffic-control signs, signals, markings and devices as are deemed necessary. (1978 Code, § 9-116, modified)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1978 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1978 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1978 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1978 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1978 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1978 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1978 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1978 Code, § 9-125)

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

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

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

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1978 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1978 Code, § 9-119)

15-122. Accidents. The owner and/or operator of any motor vehicle involved in an accident resulting in any property damage or in death or injury to any person shall immediately report such accident to the city police department and shall not move his vehicle, nor permit it to be moved from the scene of the accident until authorized by the investigating police officer. (1978 Code, § 9-127)

15-123. Non-standard colored motor vehicle lights prohibited.

(1) It shall be unlawful for any motor vehicle to be operated within the City of Dyersburg utilizing non-standard colored lights. For the purposes of this section, non-standard colored motor-vehicle lights are defined as:

(a) Any light facing to the front of a motor vehicle or that can be seen from the front of the motor vehicle that is not a shade of white or amber; and

(b) Any light facing to the rear of a motor vehicle or that can be seen from the rear of a vehicle that is not a shade of white, red or amber.

(2) This prohibition shall not apply to any light approved for general use by state or federal law, nor any light used in a show or in a parade not operated from the driver's compartment of the vehicle. (as added by Ord. #BB-539, Feb. 2003)

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. (1978 Code, § 9-102)

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 lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1978 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1978 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1978 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1978 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1978 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1978 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1978 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1978 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1978 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1978 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1978 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1978 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.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 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. (1978 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1978 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1978 Code, § 9-403)

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. (1978 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1978 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1978 Code, § 9-406)

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

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

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

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

(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. (1978 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the 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. (1978 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1978 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1978 Code, § 9-410)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by marking tires.
- 15-607. Lawful parking in required spaces.
- 15-608. Unlawful parking in parking spaces.
- 15-609. Unlawful to occupy more than one parking space.
- 15-610. Unlawful to remove markings.
- 15-611. Handicap and other parking.
- 15-612. Presumption with respect to illegal parking.
- 15-613. Unlawful parking in fire lane.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this 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.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1978 Code, § 9-501)

15-602. 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. (1978 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1978 Code, § 9-503)

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.
- (1978 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1978 Code, § 9-505)

15-606. Regulation by marking tires. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the governing body, parking shall be regulated by the Dyersburg Police Department by marking the tire or tires of any such vehicle parked in any parking space. (1978 Code, § 9-506)

15-607. Lawful parking in required spaces. Any parking space regulated by the police department may be lawfully occupied by a vehicle on the basis of two hours free parking. (1978 Code, § 9-507)

15-608. Unlawful parking in parking spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by the Dyersburg Police Department for more than

the maximum period of two hours. Violations of this section shall be assessed a penalty in accordance with the usual and customary penalties as promulgated and amended from time to time by the board of mayor and aldermen for the City of Dyersburg. For the current penalties consult the schedule of fees on file with the city recorder. Each two hours after the maximum shall constitute a new violation. (1978 Code, § 9-508, modified)

15-609. Unlawful to occupy more than one parking space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking space or otherwise so that such vehicle is not entirely within the designated parking space. (1978 Code, § 9-509)

15-610. Unlawful to remove markings. It shall be unlawful for any unauthorized person to remove, remark or in any way tamper with the official markings of the police department on any vehicle tire or tires. (1978 Code, § 9-510)

15-611. Handicap and other parking. It shall be unlawful for any owner or operator of any vehicle to park or allow his vehicle to be parked in any space reserved for the handicap or any other such designated space. (1978 Code, § 9-511)

15-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1978 Code, § 9-512)

15-613. Unlawful parking in fire lane. It shall be unlawful for any owner or operator of any vehicle to park or allow their vehicle to be parked in any space designated as a fire lane. (1978 Code, § 9-513)

CHAPTER 7

SUPPLEMENTAL TRUCK REGULATIONS

SECTION

- 15-701. Definitions.
- 15-702. Application of regulations.
- 15-703. Truck routes established.
- 15-704. Designated streets for truck use.
- 15-705. Truck traffic in the city.
- 15-706. Enforcement.
- 15-707. Violations.

15-701. Definitions. For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Dyersburg, Tennessee.
- (2) "Deviating truck" is a truck which leaves and departs from a truck route while traveling inside the city.
- (3) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (4) "Truck" is any vehicle designated or operated for the transportation of property, and whose rated capacity exceeds one ton.
- (5) "Truck route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the city must operate. (Ord. #BB-433, Oct. 1995)

15-702. Application of regulations. All trucks within the city shall be operated only over and along the truck routes herein established and on the other designated streets over which truck travel is permitted. However, this chapter shall not prohibit:

- (1) Operation on street of destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- (2) Emergency vehicles. The operation of emergency vehicles upon any street in the city.
- (3) Public utilities. The operation of trucks owned or operated by the city, public utilities, or any contractor or materialman, while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.

(4) Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established. (Ord. #BB-433, Oct. 1995)

15-703. Truck routes established. There is hereby established within the city the following "truck routes." All trucks entering the city for destination points outside the city shall operate only over the following designated routes:

(1) North to south entering on U. S. Highway 51. Beginning at the north city limits proceeding south on U. S. Highway 51 to U. S. Highway 51 By-Pass; thence in a westerly and then southerly direction over U. S. Highway 51 By-Pass to U. S. Highway 51 leading to the south city limits and on to Halls, Tennessee.

(2) North to east entering on U. S. Highway 51. Beginning at the north city limits proceeding south on U. S. Highway 51 to Harrell Avenue; thence south on Harrell Avenue to Phillips Street; thence west on Phillips Street to Reynolds Avenue; thence south on Reynolds Avenue to East Court Street or State Highway 104; thence east on East Court Street or State Highway 104 to the east city limits and on to Trenton, Tennessee.

(3) North to west entering on U. S. Highway 51. Beginning at the north city limits proceeding south on U. S. Highway 51 to U. S. Highway 51 By-Pass; thence in a westerly and then southerly direction over U. S. Highway 51 By-Pass to Forrest Street or State Highway 104; thence west on Forrest Street or State Highway 104 to the west city limits and on to Finley, Tennessee.

(4) North to south entering on State Highway 78. Beginning at the north city limits proceeding south on State Highway 78 to U. S. Highway 51 By-Pass; thence in a westerly and then southerly direction over U. S. Highway 51 By-Pass to U. S. Highway 51 leading to the south city limits and on to Halls, Tennessee.

(5) North to east entering on State Highway 78. Beginning at the north city limits proceeding south on State Highway 78 to U. S. Highway 51 By-Pass; thence east on U. S. Highway 51 By-Pass to St. John Avenue or U. S. Highway 51; thence south on St. John Avenue or U. S. Highway 51 to the Harrell Avenue; thence south on Harrell Avenue to Phillips Street; thence west on Phillips Street to Reynolds Avenue; thence south on Reynolds Avenue to East Court Street or State Highway 104; thence east on East Court Street or State Highway 104 to the east city limits and on to Trenton, Tennessee.

(6) North to west entering on State Highway 78. Beginning at the north city limits proceeding south on State Highway 78 to U. S. Highway 51 By-Pass; thence in a westerly and then southerly direction over U. S. Highway 51 By-Pass to Forrest Street or State Highway 104; thence west on Forrest Street or State Highway 104 to the west city limits and on to Finley, Tennessee.

(7) West to east entering on State Highway 104 or Forrest Street. Beginning at the west city limits proceeding east on State Highway 104 or Forrest Street to Fowlkes Avenue; thence south on Fowlkes Avenue to East

Cedar Street; thence east on East Cedar Street to Sampson Avenue; thence north on Sampson Avenue to East Court Street or State Highway 104; thence east on East Court Street or State Highway 104 to the east city limits and on to Trenton, Tennessee.

(8) West to south entering on State Highway 104 or Forrest Street. Beginning at the west city limits proceeding east on State Highway 104 or Forrest Street to U. S. Highway 51 By-Pass; thence south on U. S. Highway 51 By-Pass to U. S. Highway 51 leading to the south city limits and on to Halls, Tennessee.

(9) West to north entering on State Highway 104 or Forrest Street and leaving on State Highway 78. Beginning at the west city limits proceeding east on State Highway 104 to U. S. Highway 51 By-Pass; thence in a northerly and then easterly direction over U. S. Highway 51 By-Pass to State Highway 78; thence north on State Highway 78 to the north city limits and on to Ridgely, Tennessee.

(10) West to north entering on State Highway 104 or Forrest Street and leaving on U. S. Highway 51. Beginning at the west city limits proceeding east on State Highway 104 or Forrest Street to U. S. Highway 51 By-Pass; thence in a northerly and then easterly direction over U. S. Highway 51 By-Pass to U. S. Highway 51; thence north on U. S. Highway 51 to the north city limits and on to Newbern, Tennessee.

(11) South to north entering on U. S. Highway 51 and leaving on State Highway 78. Beginning at the south city limits proceeding north on U. S. Highway 51 to U. S. Highway 51 By-Pass; thence in a northerly and then easterly direction over U. S. Highway 51 By-Pass to State Highway 78; thence north on State Highway 78 to the north city limits and on to Ridgely, Tennessee.

(12) South to north entering U. S. Highway 51 and leaving on U. S. Highway 51. Beginning at the south city limits proceeding north on U. S. Highway 51 to U. S. Highway 51 By-Pass; thence in a northerly and then easterly direction over U. S. Highway 51 By-Pass to U. S. Highway 51; thence north on U. S. Highway 51 to the north city limits and on to Newbern, Tennessee.

(13) South to east entering on U. S. Highway 51. Beginning at the south city limits proceeding north on U. S. Highway 51 and continuing on U. S. Highway 51 to East Cedar Street; thence east on East Cedar Street to Sampson Avenue; thence north on Sampson Avenue to East Court Street or State Highway 104; thence east on East Court Street or State Highway 104 to the east city limits and on to Trenton, Tennessee.

(14) South to west entering on U. S. Highway 51. Beginning at the south city limits proceeding north on U. S. Highway 51 to U. S. Highway 51 By-Pass; thence north on U. S. Highway 51 By-Pass to State Highway 104 or Forrest Street; thence west on State Highway 104 or Forrest Street to the west city limits and on to Finley, Tennessee.

(15) East to west entering on State Highway 104. Beginning at the east city limits proceeding west on State Highway 104 or East Court Street to Sampson Avenue; thence south on Sampson Avenue to East Cedar Street; thence west on East Cedar Street to Fowlkes Avenue; thence north on Fowlkes Avenue to Forrest Street or State Highway 104; thence west on Forrest Street or State Highway 104 to the west city limits and on to Finley, Tennessee.

(16) East to south entering on State Highway 104. Beginning at the east city limits proceeding west on State Highway 104 or East Court Street to Sampson Avenue; thence south on Sampson Avenue to East Cedar Street; thence west on East Cedar Street to U. S. Highway 51 or South Main Avenue; thence south on U. S. Highway 51 or South Main Avenue to the south city limits and on to Halls, Tennessee.

(17) East to north entering on State Highway 104 and leaving on U. S. Highway 51. Beginning at the east city limits proceeding west on State Highway 104 or East Court Street to Reynolds Avenue; thence north on Reynolds Avenue to Phillips Street; thence east on Phillips Street to Harrell Avenue; thence north on Harrell Avenue to St. John Avenue or U. S. Highway 51; thence north on St. John Avenue or U. S. Highway 51 to the north city limits and on to Newbern, Tennessee.

(18) East to north entering on State Highway 104 and leaving on State Highway 78. Beginning at the east city limits and proceeding west on State Highway 104 or East Court Street to Reynolds Avenue; thence north on Reynolds Avenue to Phillips Street; thence east on Phillips Street to Harrell Avenue; north on Harrell Avenue to St. John Avenue or U. S. Highway 51; thence north on St. John Avenue or U. S. Highway 51 to U. S. Highway 51 By-Pass; thence west on U. S. Highway 51 By-Pass to State Highway 78; thence north on State Highway 78 to the north city limits and on to Ridgely, Tennessee. (Ord. #BB-433, Oct. 1995)

15-704. Designated streets for truck use. In addition to those streets in the city constituting a part of a truck route as established herein, the following streets, and no others, shall be used for truck traffic:

Connell Avenue from Forrest Street south to its termination.

Jackson Street from Connell Avenue to Fowlkes Avenue.

Fowlkes Avenue from East Cedar Street south to its termination.

Phillips Street from Harrell Avenue to Hogwalla Road.

Hogwalla Road from Phillips Street to Sylvania Road.

Sylvania Road from Hogwalla Road to U. S. Highway 51.

Shelby Drive from St. John Avenue or U. S. Highway 51 to Harrell Avenue.

St. John Avenue or U. S. Highway 51 from Harrell Avenue to Shelby Drive. (Ord. #BB-433, Oct. 1995)

15-705. Truck traffic in the city. (1) Outside origin. (a) One side destination point. All trucks entering the city for a destination point in the city shall proceed only over an established truck route and shall deviate only at the intersection, with the street, upon which such traffic is permitted nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(b) Multiple inside destination points. All trucks entering the city for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which such traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(2) Inside origin. (a) Outside destination point. All trucks, on a trip originating in the city, and traveling in the city for a destination point outside the city shall proceed by the shortest direction over streets on which such traffic is permitted to a truck route as herein established.

(b) Inside destination points. All trucks, on a trip originating in the city, and traveling in the city for destination points in the city shall proceed only over streets upon which such traffic is permitted. (Ord. #BB-433, Oct. 1995)

15-706. Enforcement. (1) Recorder maintains maps. The city recorder shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the city recorder and shall be available to the public.

(2) Chief of police maintains signs. The chief of police of the city shall cause all truck routes to be clearly sign-posted to give notice that this chapter is in effect.

(3) Weigh-in. The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with. (Ord. #BB-433, Oct. 1995)

15-707. Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause for this municipal code. (Ord. #BB-433, Oct. 1995)

CHAPTER 8

ENFORCEMENT

SECTION

- 15-801. Issuance of traffic citations; use of driver's license in lieu of bail.
- 15-802. Failure to obey citation.
- 15-803. Illegal parking.
- 15-804. Impoundment of vehicles.
- 15-805. Violation and penalty.

15-801. Issuance of traffic citations;¹ use of driver's license in lieu of bail. When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer may, in his sole discretion upon receiving the written promise of the alleged violator to answer as specified in the citation, 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.

Provided further that whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the department of safety is issued a citation or arrested and charged with the violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug or leaving the scene of an accident, and such person is taken into custody under arrest by the arresting officer, and pending the hearing on such charges the city court demands the execution of an appearance bond with good security prior to the release of such person, then and in that event such person shall have the option of depositing his chauffeur's or operator's license so issued by the department of safety with the arresting officer or clerk of the city court in lieu of any other security required for his appearance. (1978 Code, § 9-702)

15-802. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1978 Code, § 9-703)

¹State law reference

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

15-803. 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. (1978 Code, § 9-704, modified)

15-804. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fine for impoundment shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen for the City of Dyersburg. For the current fines consult the schedule of fees on file with the city recorder. (1978 Code, § 9-701, modified)

15-805. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) **Traffic citations.** Traffic citations shall be punishable by a civil penalty up to five hundred dollars (\$500.00) for each separate offense.

(2) **Parking citations.** For any parking violation, the offender may, within forty-eight (48) hours, have the charge against him disposed of by paying to the city recorder a fine in accordance with a schedule prescribed by the city judge, provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after forty-eight (48) hours but before a warrant for his arrest is issued, his fine shall be greater in accordance with a schedule prescribed by the city judge. (1978 Code, § 9-704, modified)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

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

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to maintain sidewalks.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Basketball goals alongside or within public rights-of-way prohibited.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1978 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet. (1978 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1978 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1978 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body. (1978 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1978 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1978 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1978 Code, § 12-108)

16-109. Abutting occupants to maintain sidewalks. When any sidewalk is found to be unsafe, defective, or insufficient, the board of mayor and aldermen may by resolution order the abutting property owner to remedy the situation in accordance with such specifications as the board shall prescribe. A copy of the resolution shall be served on the property owner personally if he can be found in the city. If he cannot be located the resolution shall be published one time in the official newspaper of the city. If within twenty (20) days after such notice the property owner has not made the prescribed repairs, etc., the city shall have the work done and the costs thereof shall become a lien on the abutting property and shall be collectible from the property owner.

¹Municipal code reference
Building code: title 12, chapter 1.

The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (1978 Code, § 12-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or group consisting of two (2) or more persons to hold any meeting, parade, demonstration or exhibition on the public streets without some responsible representative first securing a permit from the chief of police or his representative. Permits shall be obtained at least forty-eight (48) hours prior to the event. No permit shall be issued by the chief of police or his representative unless such activity will not unreasonably interfere with vehicular and/or pedestrian traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement immediately to clean up the resulting litter. (1978 Code, § 12-110, as amended by Ord. #BB-538, Feb. 2003)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1978 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1978 Code, § 12-112)

16-113. Basketball goals alongside or within public rights-of-way prohibited. (1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside of the right-of-way of any public street within the municipal limits of the City of Dyersburg so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00).

(3) The ordinance comprising this section shall take effect upon its final reading and subsequent publication, the public health, safety and welfare requiring it. (as added by Ord. #BB-563, Dec. 2004)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1978 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the public works director, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1978 Code, § 12-202, modified)

16-203. Fee. The fee for such permits shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fee consult the schedule of fees on file with the city recorder. (1978 Code, § 12-203, modified)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit in the sum of twenty-five dollars (\$25.00), if no pavement is involved and seventy-five dollars (\$75.00) if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration the recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1978 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1978 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley,

or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1978 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one accident, and a \$75,000 aggregate. (1978 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1978 Code, § 12-208)

16-209. Supervision. The public works director shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1978 Code, § 12-209, modified)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the building official. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard

to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1978 Code, § 12-210, modified)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE.

CHAPTER 1

REFUSE

SECTION

- 17-101. Premises to be kept clean.
- 17-102. Definitions.
- 17-103. Storage of refuse.
- 17-104. Confiscation of unsatisfactory storage containers.
- 17-105. All refuse must be properly stored if it is to be picked up.
- 17-106. Collection of garbage and refuse.
- 17-107. Disposal of garbage and refuse.
- 17-108. Dumping in streams, sewers, and drains, etc., prohibited.
- 17-109. Service of orders.
- 17-110. Dempster dumpster refuse disposal service.
- 17-111. Violations.

17-101. Premises to be kept clean. All persons, firms, and corporations within the corporate limits of the City of Dyersburg, Tennessee, are required to keep their premises in a clean and sanitary condition, free from any accumulation of refuse, offal, filth, or trash. Such persons firms and corporations are hereby required to store such refuse in sanitary containers of the type described in this chapter between intervals of collection. (1978 Code, § 8-101)

17-102. Definitions. The following words and terms shall have the meanings indicated when used in this chapter:

(1) "Refuse." The term "refuse" as hereinafter referred to in this chapter shall include garbage, rubbish, ashes, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, wastes from the handling and sale of produce, and other similar unwanted materials, but

¹Municipal code reference

Property maintenance regulations: title 13.

shall not include sewage, body wastes, or recognizable industrial by-products, from all residences and establishments, public and private.

(2) "Garbage." The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products from all public and private residences and establishments.

(3) "Rubbish." The term "rubbish" shall include all nonputrescible waste materials except ashes from all public and private residences and establishments.

(4) "Ashes." The term "ashes" shall include the waste products from coal, wood, and other fuels used for cooking and heating from all public and private residences and establishments.

(5) "Collector." The term "collector" shall mean any person, firm, or corporation that collects, transports, or disposes of any refuse within the corporate limits of Dyersburg, Tennessee.

(6) "Health officer." (See § 13-101 in this code.) (1978 Code, § 8-102)

17-103. Storage of refuse. Each owner, occupant, tenant, sub-tenant, lessee, or other person using or occupying any building, house, structure, or grounds within the corporate limits of the City of Dyersburg, Tennessee, where refuse materials or substances as defined in this chapter accumulate or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the health officer, for the storage of such refuse. Such containers shall be strong and durable, not readily corrodible, rodent and insect proof, of a capacity not exceeding thirty (30) gallons and not less than twenty (20) gallons, except that the maximum capacity shall not apply in cases where the city is equipped to handle containers of similar construction mechanically. Such containers shall be equipped with handles to facilitate emptying and shall be equipped with tight fitting lids or covers of such design as to preclude the free access of flies and other insects and to prevent the containers from collecting water during rains. The lid or cover shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by an official collector. The storage containers should be placed in such a convenient, accessible location for trucking as may be designated by the official refuse collecting agency.

Refuse storage containers (as defined above) for all apartments with more than two units must be kept in garbage can racks or stored within a screened area.

Wet garbage or refuse must be drained of all liquids and wrapped in paper or other equivalent material prior to placing it into the storage receptacle. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other methods as often as necessary to prevent the breeding of flies and the occurrence of offensive odors. (1978 Code, § 8-103, as amended by Ord. #BB-492, Feb. 1999)

17-104. Confiscation of unsatisfactory storage containers. The official refuse collecting agency of the city is authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when the health officer determines that such containers are not suitable for the healthful and sanitary storage of refuse substances. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the official collecting agency only after the owner or owners of such containers have been duly notified of such impending action. (1978 Code, § 8-104)

17-105. All refuse must be properly stored if it is to be picked up. In no case will it be the responsibility of the refuse collecting agency of the city to shovel or pick up from the ground any accumulations of refuse including leaves, lawn clippings, brush, or packing material. All such materials are to be placed in containers of the type described above or of a type and design which will meet with the approval of the health officer and the requirements of the official refuse collecting agency. (1978 Code, § 8-105)

17-106. Collection of garbage and refuse. All refuse (including garbage and rubbish) as heretofore defined shall be collected sufficiently frequently to prevent the occurrence of nuisances and public health problems and in any event at intervals of at least once in seven (7) days. The collection of refuse within the City of Dyersburg, Tennessee, shall be under the jurisdiction of the street department and under the direct supervision of the sanitation department of the city.

No person, firm, or corporation shall engage in the business of collecting refuse or removing the contents of any refuse container (other than his own) for any purpose whatsoever, who does not possess a permit to do so from the City of Dyersburg, Tennessee. Such permit may be issued only after the applicant's capability of complying with the requirements of this chapter has been fully determined. Such permit may be suspended or revoked for the violation of any of the terms of this chapter.

The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no drainage of liquids from the refuse onto the streets and public thoroughfares. Provisions shall also be made to prevent the scattering of refuse over the streets and thoroughfares. Effective coverings or closed truck beds shall be used. (1978 Code, § 8-106)

17-107. Disposal of garbage and refuse. The disposal of refuse in any quantity by any individual, householder, establishment, firm, or corporation in any place, public or private, other than the site or sites designated by the

constituted authority of the City of Dyersburg, Tennessee, is expressly prohibited. All disposal of refuse and garbage shall be by methods approved by the department of health. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal. No garbage shall be fed to swine unless said garbage has first been heated to at least 212°F., and held there at least thirty (30) minutes in apparatus and by methods approved by the health officer. Animal offal and carcasses of dead animal shall be buried or cremated under circumstances approved by the health officer, or shall be rendered at 40 psi. steam pressure or higher, or similarly heated by equivalent cooking. (1978 Code, § 8-107)

17-108. Dumping in streams, sewers, and drains, etc., prohibited.

It shall be unlawful for any person, firm, or corporation to dump refuse in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of Dyersburg, Tennessee. (1978 Code, § 8-108)

17-109. Service of orders.

It shall be the duty of the health officer or his authorized representative to issue orders requiring the proper handling of garbage and refuse on private and public premises to owners, occupants, tenants or lessees of such properties where violations of this chapter are known to exist and such violations shall be corrected within the time specified by the health officer. (1978 Code, § 8-109)

17-110. Dempster dumpster refuse disposal service. (1) Use of

system regulated. All persons, firms, or corporations using, desiring, or required to use, the Dempster Dumpster refuse disposal service shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the sanitation committee of the board of mayor and aldermen when such rules and regulations have been approved by the board of mayor and aldermen.

(2) Service charges.

There shall be charged for the use and service of the Dempster Dumpster refuse disposal service now in existence and to be furnished a service charge in accordance with this section.

All monthly service charges shall be assessed by the sanitation committee of the board of mayor and aldermen within the limits hereinafter established based upon the anticipated volume of refuse provided by the user, the size of the container required to service a particular user or group of users, and the number of users assigned to an individual container.

The minimum and maximum monthly charges for users shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg.

For the current monthly charges consult the schedule of fees on file with the city recorder.

Any user who is aggrieved by the service charge made by him may submit the grievance to the board of mayor and aldermen for consideration of the particular circumstances involved and if in the opinion of the board the request for an adjustment is reasonable and an adjustment is in order the board shall so inform the user and the city recorder of the adjustment; provided, however, that any user submitting a request under this section shall continue to pay the regular rates until the adjustment is approved by the board of mayor and aldermen.

The monthly service charges shall be paid at the same time, same place, and in the same manner as water charges. The payment of said service charges shall be subject to the same rules and regulations as are now applicable to water charges.

(3) Discontinuance or refusal of service. The city shall have the right to discontinue service or to refuse service without notice upon the failure of the user to comply with the written rules and regulations prescribed by the sanitation committee or in the event the bill of the user is not paid on or before fifteen (15) days after the due date.

Such right to discontinue service shall apply to all service received through a single container, even though more than one user is furnished service therefrom, and even though the delinquency or violation is limited to only one such user.

Discontinuance of said service by the city for any cause shall not release the user from liability for service already received. (1978 Code, § 8-110, modified)

17-111. Violations. Any person who shall violate any of the provisions of this chapter or who shall fail or refuse to obey any notice issued by the department of health or the superintendent of the refuse collection department, with reference to the storage, accumulation, or disposal of refuse, shall be guilty of a misdemeanor and shall be subject to a fine under the general penalty clause for this code. (1978 Code, § 8-111)

TITLE 18**WATER AND SEWERS¹****CHAPTER**

1. WATER.
2. SEWERS.
3. REGULATION OF SEWER USE.
4. SEWAGE.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
6. WELLS, SPRINGS AND PONDS.

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

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Main extensions to developed areas.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Schedule of rates.
- 18-129. Fluoridation of water.
- 18-130. Injury or destruction of water system and unauthorized connections.
- 18-131. Penalty for violations.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box, except where located outside of the city's right-of-way.

(4) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1978 Code, § 13-102, modified)

18-103. Obtaining service. A formal application for either original or additional service must be made to and approved by the city before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103, modified)

18-104. 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 water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1978 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1978 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay all applicable fees and charges in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fees and charges consult the schedule of fees on file with the city recorder. (1978 Code, § 13-106, modified)

18-107. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. (1978 Code, § 13-107, modified)

18-108. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling

structure and no farther than 600 feet from the most distant part of any commercial, industrial or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by city forces or by other forces working directly under the supervision of the city.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the city water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the city shall repay to the person or persons paying the cost of such a water main extension, for a period of five years, but no longer, from the date of completion of said extension the sum of \$50.00 for each connection that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided also, that before making any such payment the city shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the city, but not to exceed three years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1978 Code, § 13-108)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by the board.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-109)

18-110. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

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 water meter without the written permission of the city. 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. (1978 Code, § 13-110)

18-111. Meter tests. The city 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"	4%

The city 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"	(See schedule of fees on file with the city recorder)
1-1/2", 2"	
3"	
4"	
6" and over	

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1978 Code, § 13-111, modified)

18-112. 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 city. (1978 Code, § 13-113)

18-113. Billing. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

A penalty of five percent (5%) shall be added to any bill not paid on or before the "PAY GROSS AFTER" date. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

A customer's service may be discontinued without notice if his bill is not paid on or before seven (7) days after the "PAY GROSS AFTER" date. The city 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 bill due date fall on Sunday or a holiday, the business day next following that date will be the last day to pay without the penalty. A remittance received by mail after the time limit for payment without the penalty will be accepted by the city if the envelope is date-stamped, on or before the "PAY GROSS AFTER" date.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water or any other service is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1978 Code, § 13-114, modified)

18-114. Discontinuance or refusal of service. The city 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.

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

Discontinuance of service by the city 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. (1978 Code, § 13-115)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of fifteen dollars (\$15.00) shall be collected by the city before service is restored. (1978 Code, § 13-116, modified)

18-116. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the

following conditions on the right of the customer to discontinue service under such a contract:

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

(2) During the ten (10) day period, 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 city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-117)

18-117. Access to customers' premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1978 Code, § 13-118)

18-118. Inspections. The city 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 city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1978 Code, § 13-119)

18-119. 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 city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1978 Code, 13-120)

18-120. Customer's responsibility for violations. Where the city 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. (1978 Code, § 13-121)

18-121. Supply and resale of water. All water shall be supplied within the city exclusively by the city 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 city. (1978 Code, § 13-122)

18-122. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1978 Code, § 13-123)

18-123. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1978 Code, § 13-124)

18-124. Damages to property due to water pressure. The city 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 city's water mains. (1978 Code, § 13-125)

18-125. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off water service, the city has failed to cut off such service.
- (2) The city has attempted to cut off a service but such service has not been completely cut off.
- (3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-126)

18-126. Restricted use of water. In times of emergencies or in times of water shortage, the city 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. (1978 Code, § 13-127)

18-127. Interruption of service. The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-128)

18-128. Schedule of rates. Monthly fees and charges to be charged by and paid to the city for water furnished and made available by the city shall be in accordance with the usual and customary fees and charges as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current fees and charges consult the schedule of fees on file with the city recorder. (1978 Code, § 13-112, modified)

18-129. Fluoridation of water. The public water supply of the city shall be fluoridated by the addition of one part of fluorine per million parts of water so that the fluoride content of the water shall be 1.0 ppm. and shall in no event exceed 1.5 ppm.

The superintendent of the water department shall prepare all necessary plans and take all necessary steps to obtain the approval of the Tennessee Department of Health for the fluoridation of the public water supply. (1978 Code, § 13-129)

18-130. Injury or destruction of water system and unauthorized connections. It is unlawful for any person to injure or destroy any of the pipes, fixtures or other property comprising of the city's water system, or to turn on water, or to make any connection with the pipes, or other fixtures after the same

has been shut off, stopped, or disconnected by the city's water department. (as added by Ord. #BB-508, Nov. 1999)

18-131. Penalty for violations. Wherever in this chapter any act is prohibited or is made or declared to be unlawful, the violation of such provision shall be unpunishable by a fine up to the maximum amount set forth in the penalty clause of this municipal code; and each prohibited or unlawful act shall constitute a separate violation. Notwithstanding the foregoing, the imposition of such fines shall not prevent the city's institution of other punitive or remedial action where called for or permitted under any other provision of the municipal code or such other applicable law. (as added by Ord. #BB-508, Nov. 1999)

CHAPTER 2

SEWERS

SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Extension policies.

18-201. Use of system regulated. All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1978 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the city. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1978 Code, § 13-202, modified)

18-203. Connection fee. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city a sewer connection fee in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current connection fee consult the schedule of fees on file with the city recorder. (1978 Code, § 13-203, modified)

18-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1978 Code, § 13-204)

18-205. Sewer service charges. There shall be charged for the use and service of the sewerage system now in existence and to be constructed a sewer service charge in accordance with this section.

All monthly sewer charges shall be based upon water consumption. All customers shall be classified as either domestic or commercial customers by the board of mayor and aldermen, depending upon whether the water consumption for the individual customer is used for domestic or commercial purposes.

The charges for domestic and commercial customers shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current charges consult the schedule of fees on file with the city recorder.

Any sewer customer who is aggrieved by the sewer charge made to him may submit the grievance to the board of mayor and aldermen for consideration of the particular circumstances involved and if in the opinion of the board the request for an adjustment is reasonable and an adjustment is in order they shall so inform the customer and the city recorder of the adjustment; provided, however, that any customer submitting a request under this section shall continue to pay the regular rate until the adjustment is approved by the board of mayor and aldermen.

The sewerage charges shall be paid at the same time, same place, and in the same manner as water charges. The payment of sewerage service charges shall be subject to the same rules and regulations as are now applicable to water charges. (See chapter 1 of this title).

The water supply of any individual may be cut off for failure to pay the sewerage charges in the same manner that the water supply may be cut off for failure to pay water bills. (See chapter 1 of this title). (1978 Code, § 13-205, modified)

18-206. Extension policies. Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities. (1978 Code, § 13-206, modified)

CHAPTER 3

REGULATION OF SEWER USE

SECTION

- 18-301. Purpose and policy.
- 18-302. Definitions.
- 18-303. Connection to public sewers.
- 18-304. Private domestic waste water disposal.
- 18-305. Regulation of holding tank waste disposal.
- 18-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-307. Discharge regulations.
- 18-308. Industrial user monitoring, inspection reports, records access, and safety.
- 18-309. Enforcement and abatement.
- 18-310. Penalty: costs.
- 18-311. Fees and billings.
- 18-312. Fats, oils and grease traps and interceptors.

18-301. Purpose and policy. This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Dyersburg, Tennessee, wastewater treatment system. The objectives of this chapter are:

- (1) To protect the public health;
- (2) To provide problem free wastewater collection and treatment service;
- (3) To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements will cause physical damage to the wastewater treatment system facilities;
- (4) To provide for full and equitable distribution of the cost of the wastewater treatment system;
- (5) To enable the City of Dyersburg to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (6) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the City of Dyersburg must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the

regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the City of Dyersburg, Tennessee, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the Sewer Superintendent of the City of Dyersburg shall administer, implement, and enforce the provisions of this chapter. (1978 Code, § 13-301)

18-302. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et. seq.*

(2) "Approval Authority" - The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state of NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user" - An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight and concentration [milligrams per liter (mg/l)].

(5) "Building Sewer" - A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards" - National categorical pretreatment standards of pretreatment standard.

(7) "City" - The City of Dyersburg or the Board of Mayor and Aldermen, City of Dyersburg, Tennessee.

(8) "Compatible pollutant" - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the city's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

(9) "Cooling water" - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(10) "Control authority" - The term "control authority" shall refer to the "approval authority," defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(11) "Customer" - means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city for such service.

(12) "Direct discharge" - The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Domestic wastewater" - Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only.

(14) "Environmental Protection Agency, or EPA" - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

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

(16) "Grab sample" - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(17) "Holding tank waste" - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

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

(19) "Indirect discharge" - The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(20) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(21) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those

contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

(22) "National categorical pretreatment standard or pretreatment standard" - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

(23) "NPDES (Natural Pollutant Discharge Elimination System)" shall mean the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

(24) "New source" - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source, the construction of which is commenced after the date of promulgation of the standard.

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

(26) "pH" - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) "Pollution" - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) "Pollutant" - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(29) "Pretreatment or treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

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

(31) "Publicly Owned Treatment Works (POTW)" - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (city who are, by contract or agreement with the (city)) users of the (city's) POTW.

(32) "POTW treatment plant" - That portion of the POTW designed to provide treatment to wastewater.

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

(34) "Slug" - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

(35) "State" - State of Tennessee.

(36) "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(37) "Storm water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer" or "storm drain" - shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent.

(39) "Suspended solids" - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(40) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(41) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307 (a)) or other Acts.

(42) "Twenty-four (24) hour flow proportional composite sample". A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

(43) "User" - Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(44) "Wastewater" - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated which is contributed into or permitted to enter the POTW.

(45) "Wastewater treatment systems" - Defined the same as POTW.

(46) "Water of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface of underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(47) "Significant industrial user (SIU)". (a) All dischargers subject to categorical pretreatment standards under 40 CRF Chapter I, Subchapter N; and

(b) All noncategorical discharges that, in the opinion of the city, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW. However, the city need not designate as significant any noncategorical industrial user that, in the opinion of the city and with the agreement of the approval authority, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(48) "Significant noncompliance of industrial user" - For the purpose of this chapter, an industrial user is in significant noncompliance if its violation meets one or more the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limits or the average limits for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely effect the operation or implementation of the local pretreatment program. (1978 Code, § 13-302)

18-303. Connection to public sewers. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the service area of the City of Dyersburg, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the City of Dyersburg any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(d) Except as provided in § 18-303(1)(e) below, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the service area 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 in the service area, is hereby required at his expense to install suitable toilet facilities therein, and to connect within sixty (60) days after the date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

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

(f) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-304.

(2) Physical connection public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-306.

(b) All costs and expenses incident to the installation, connection and inspection of new building sewers shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building and the whole considered as one building sewer.

(d) Old building sewers may be used in connection with new building only when they are found, on examination and testing by the superintendent, to meet all requirements of this chapter. All others must be sealed to the specifications of the superintendent.

(e) Building sewers shall conform to the following requirements:

(i) The minimum size of a building sewer shall be six (6) inches.

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

(iii) Six (6) 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.

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

(v) Building sewers shall be constructed only of:

(A) Cast iron soil pipe or ductile iron pipe with compression joints or

(B) Polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.

(vi) Cleanouts shall be located on building sewers as follows: one located five (5) feet outside of the building, one at the tap 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 no more than seventy-five (75) feet apart

in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches on a six (6) inch pipe.

(vii) 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 cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight and watertight.

(viii) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more, if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection of 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.

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

(x) An installed building sewer shall be gastight and watertight.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn is connected directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) 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.

(b) The applicant for discharge shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property to insure that the building sewer is water tight. This maintenance will include repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the city. If, upon smoke testing or visual inspection by the superintendent, roof downspout connections, exterior foundation drains, area drains, basement drains, building sewer leaks or other sources of rainwater, surface runoff or groundwater entry into the POTW sewer system are identified on building sewers on private property, the superintendent may take any of the following actions.

(a) Notify the property owner in writing of the nature of the problem(s) identified on the property owner's building sewer and the specific steps required to bring the building sewer within the requirements of this chapter. All steps necessary to comply with this chapter must be complete within 60 days from the date of the written notice and entirely at the expense of the property owner.

(b) Notify the property owner in writing of the nature of the problem(s) identified on the property owner's building sewer and inform the property owner that the city will provide all labor, equipment and materials necessary to make the repairs required to bring the building sewer within the requirements of this chapter. The work on private property will be performed at the city's convenience and the cost of all materials used will be charged to the property owner. The city will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding and replacing any shrubbery or trees displaced or damaged by the city during the execution of the work. (1978 Code, § 13-303)

18-304. Private domestic wastewater disposal. (1) Availability.

(a) Where a public sanitary sewer is not available under the provisions of § 18-303(1)(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-303, the owner shall provide a private sewage pumping station as provided in § 18-303(2)(e)(iii)-(viii).

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

(2) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the 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 Dyer County Health Department.

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

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Dyersburg Public Works Department and the Dyer 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 Dyersburg Public Works Department and Dyer 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 Dyersburg Public Works Department and Dyer County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Dyersburg Public Works Department and Dyer County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Dyersburg Public Works Department and Dyer County Health Department. (1978 Code, § 13-304)

18-305. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such acts or services. Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the city to be set as specified in § 18-311. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.

(3) Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated.

(4) Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank or wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the City of Dyersburg. (1978 Code, § 13-305)

18-306. Applications for domestic wastewater discharge and industrial wastewater discharge permits. (1) Applications for discharge

of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-303 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods of compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit 180 days after the effective date of this chapter.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "Pretreatment Standard, it shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-306.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

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

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent.

The superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees establishing by the city permits may contain the following:

- (i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (ii) Limits on the average and maximum wastewater constituents and characteristics;
- (iii) Limits on average and maximum rate and time of discharge or requirements and equalization;
- (iv) Requirements for installation and maintenance of inspections and sampling facilities;
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (vi) Compliance schedules;
- (vii) Requirements for submission of technical reports of discharge reports;
- (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (x) Requirements for notification of slug discharged;
- (xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-306(2)(b)(ii) and 18-306(2)(b)(iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a

period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use; related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1978 Code, § 13-306)

18-307. Discharge regulations. (1) General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the Lower Explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceed 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

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

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are

specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(p) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

(q) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(r) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute workers health and safety problems.

(s) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(2) Protection of treatment plant influent. The superintendent shall monitor the treatment works influent for each parameter in the following table (Protection Criteria Development). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set for in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised 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.

PROTECTION CRITERIA DEVELOPMENT

Dyersburg, Tennessee

(I) INCOMPATIBLE POLLUTANTS (Revised - 5/20/85)

<u>Pollutant</u>	Unit Operation <u>Act. Sludge</u>	Protection <u>Nitrification</u>	Pass-Through <u>Protection</u>	Selected POTW Protection Criteria (24-Hour Avg., mg/l)
				<u>Avg., mg/l</u>
Cadmium	1.18	.133	.013	.013
Chromium	13.7	1.56	.375	.375
Copper	1.28	3.12	.344	.344
Cyanide	6.89	.789	.053	.053
Lead	.233	2.78	.106	.106
Mercury	5.55	---	.004	.004
Nickel	2.91	.379	.273	.273
Phenols	217.4	90.9	.027	.027
Selenium	---	---	0.01	0.01
Silver	6.25	---	.029	.029
Zinc	13.7	2.63	1.053	1.053
Naphthalene	892.9	---	.112	.112
Toluene	35.0	---	.214	.214
Benzene	166.7	---	.013	.013
1,1,1-Trichloromethane	N/A	N/A	.025	.025
Ethyl Benzene	11.5	---	.04	.04
Carbon Tetrachloride	N/A	N/A	---	---
Chloroform	N/A	N/A	.224	.224
Tetrachloroethylene	10.4	---	.139	.139
Trichloroethylene	12.5	---	.1	.1
1,2 Transidichloroethylene	N/A	N/A	.0075	.0075

Methylene Chloride	N/A	N/A	.962	.962
Bis (2 Ethylehexyl Phthalate	16.0	---	.085	.085
Butylbenzyl Phthalate	16.0	---	.085	.085
Di-N-Butyl Phthalate	16.0	---	.085	.085
Diethyle Phthalate	16.0	---	.085	.085

Notes: --- No inhibitions noted in referenced literature.

N/A - No information available in referenced literature.

In all pass-through limitation given allowable influent concentration, pretreatment criteria.

(II) COMPATIBLE POLLUTANTS

<u>Pollutant</u>	<u>Selected POTW Protection Criteria</u>
BOD ₅ (mg/l)	240
Suspended Solids (mg/l)	260
Oil & Grease (mg/l)	30
Ammonia (mg/l)	30
pH (units)	6 to 9

(3) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(4) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(5) Special agreements. Nothing in this section shall be construed so as to prevent any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual

strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(6) Exceptions to discharge criteria.

(a) Application for exception. Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-306(1) and 18-306(2). Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

(i) Interfere with the normal collection and operation of the wastewater treatment system.

(ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management.

(iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 17-307 and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge;

(7) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handline areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

If the superintendent decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(i) Description of discharge practices, including nonroutine batch discharges.

(ii) Description of stored chemicals.

(iii) Procedures for immediately notifying the POTW of slug discharges, including any discharges that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days.

(iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

The industrial user shall notify POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user. An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notification of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements of 40 CFR 402.12(b), (d) and (e).

Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar

month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 301 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1978 Code, § 13-307)

18-308. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the users's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications.

Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment

standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analysis were performed;
- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analysis.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water

Quality Control Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1978 Code, § 13-308)

18-309. Enforcement and abatement. (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall institute and take all appropriate actions enumerated in § 18-309(10) hereof, including if necessary, the issuance of an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within 30 days of the issuance of the cease and desist order.

- (3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause

before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user

or other person causing the emergency an request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city codes of ordinances governing such nuisances.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Dyersburg shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

(10) Enforcement responses. This chapter contains an Enforcement Response Guide which establishes specific responses to each type of anticipated violation. For purposes of this guide the following terms and abbreviations are used.

Civil Litigation	Civil action against IU seeking equitable relief, monetary penalties and damages.
IU	Industrial User
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SV	Significant Violation
Show Cause	Formal meeting requiring IU to appear before mayor and board of aldermen to explain why formal enforcement action should not be taken.

Enforcement Response Guide. See the following copy of the Enforcement Response Guide.

ENFORCEMENT RESPONSE GUIDE

UNAUTHORIZED DISCHARGES (NO PERMIT)

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/ environment	Phone call; NOV with application form	PC
	IU unaware of requirement; harm to POTW	-AO -Civil action	PC PWD
	Failure to apply continues after notice by the POTW	-Civil action -Terminate service	PWD PWD
2. Nonpermitted discharge	IU has not submitted application within 10 days of due date	Phone call; NOV	PC

DISCHARGE LIMIT VIOLATION

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	Phone call; NOV	PC
	Isolated, significant (no harm)	AO to develop spill prevention plan	PC
	Isolated, harm to POTW or environment	-Show cause order -Civil action	PWD, PC, Mayor PWD
	Recurring, no harm to POTW/ environment	AO	PC
	Recurring; significant (harm)	-AO -Show cause order -Civil action -Terminate service	PC PC, PWD PWD PWD, Mayor

MONITORING AND REPORTING VIOLATIONS

1. Reporting violation	Report is improperly signed or certified	Phone call or NOV	PC
	Report is improperly signed or certified after notice by POTW	-AO -Show cause order	PC PC, PWD
	Isolated, not significant (e.g., 5 days late)	Phone call; NOV	PC
	Significant (e.g., report 30 days or more late)	AO	PC
	Reports are always late or no report at all	-AO -Show cause order -Civil action	PC PWD, PC PWD, PC
	Failure to report spill or changed discharge (no harm)	NOV	PC

MONITORING AND REPORTING VIOLATIONS, Continued

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
	Failure to report spill or changed discharge (results in harm)	-AO -Civil action	PC PWD, PC
	Repeated failure to report spills	-Show cause order -Terminate service	PWD, PC PWD, Mayor
	Falsification	-Terminate service	PWD, Mayor
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV	PC
	Recurring failure to monitor	-AO -Civil action	PC PWD
3. Improper sampling	Evidence of intent	-Civil action - Terminate service	PWD PWD, Mayor
4. Failure to install monitoring equipment	Delay of less than 30 days	NOV	PC
	Delay of 30 days or more	AO to install	PC
	Recurring, violation of AO	-Civil action -Terminate service	PWD PWD, Mayor
5. Compliance Schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO	PC
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO	PC
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	-Show cause order -Civil action -Terminate service	PWD, PC PWD PWD, Mayor

MONITORING AND REPORTING VIOLATIONS, Continued

Recurring violation or violation of schedule in AO	-Civil action -Terminate service	PWD PWD, Mayor
--	-------------------------------------	-------------------

OTHER PERMIT VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Wastestreams are diluted in lieu of treatment	Initial violation	NOV	PC
	Recurring	-AO -Show cause order	PC PWD
2. Failure to mitigate noncompliance or halt production	Does not result in harm	NOV	PC
	Does result in harm	-AO -Civil action	PC PWD
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

VIOLATIONS DETECTED DURING SITE VISITS

1. Entry Denial	Entry denied or consent withdrawn Copies of recorder denied	Obtain warrant and return to IU	PC, PWD
2. Illegal Discharge	No harm to POTW or environment	AO	PC
	Discharges causes harm or evidence of intent/negligence	-Civil action	PC, PWD
	Recurring, violation of AO	Terminate service	PWD, Mayor

 VIOLATIONS DETECTED DURING SITE VISITS, continued

3. Improper Sampling	Unintentional sampling at incorrect location	NOV	PC
	Unintentionally using incorrect sample type	NOV	PC
	Unintentionally using incorrect sample collection techniques	NOV	PC
4. Inadequate Recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	PC
5. Failure to report additional monitoring	Inspection finds additional files	NOV	PC
	Recurring	AO	PC

 TIMEFRAMES FOR RESPONSES

- A. All violations will be identified and documented within five days of receiving compliance information.
- B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within 15 days of violation detection.
- C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance. (1978 Code, § 13-309)

18-310. Penalty: costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than fifty and 00/100 dollars (\$50.00) no more than ten thousand and 00/100 dollars (\$10,000.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expense 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.

(2) 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 \$1,000.00 or by imprisonment for not more than six (6) months, or by both. (1978 Code, § 13-310)

18-311. Fees and billings. (1) Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the city's wastewater treatment system, including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

Revenue requirements of the wastewater system shall be reviewed by the city on an annual basis in order to ascertain the ability of the system to meet the fair user charge regulations and other costs necessary to meet all obligations of the system. Adjustments shall be made by the city as necessary to meet its obligations.

Each year, prior to adoption of the next fiscal year's budget for the wastewater system, the proposed rates, whether changed from the previous year or not, shall be published in a local newspaper of general circulation to users of the system or forwarded by mail to each user of the system. The proposed rates shall be published in such a manner as to show the proportion allocable to the operation and maintenance costs of the wastewater treatment facilities.

(2) Types of charges and fees. The charges and fees as established in the city's schedule of charges and fees, may include, but not be limited to:

- (a) Permits and inspection fees;
- (b) Tapping fees;
- (c) Sewer use charges;
- (d) Surcharge fees;
- (e) Industrial wastewater discharge permit fees;
- (f) Fees for industrial discharge monitoring; and

(g) Other fees as the city may deem necessary to carry out the requirements of this chapter.

(3) Permits and inspection fees. There shall be two 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 city. A permit and inspection fee of one hundred fifty dollars (\$150) for a residential or commercial building sewer permit and one hundred fifty dollars (\$150) for an industrial building sewer permit shall be paid to the city's building official at the time the application is filed. Permit fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers.

(4) Tapping fees. Each person desiring to tap or connect with the wastewater system of the city, shall first obtain a permit from the city and pay in cash to the city a tap or connection fee as hereinafter provided for each tap or connection prior to the time of the issuance of the permit in accordance with the schedule which follows:

- | | | |
|-----|---|--|
| (a) | Single Family Residence | \$150.00 |
| (b) | Small Commercial and Institutional Users (i.e. service stations, office buildings, other non- residential users, schools, etc.) | \$150.00 |
| (c) | Car Wash | \$150.00 |
| (d) | Apartments, Multi-Unit Family Complexes, etc., per building or units; Trailer Courts, trailer or unit | \$150.00 (for first unit plus) \$150.00 for each additional unit |
| (e) | Factories, Shopping Centers, and Warehouses | \$150.00 for first 10,000 sq. ft. of floor space plus \$150.00 for each additional 10,000 sq. ft. of floor space |
| (f) | Motels and Hotels | |
| | (1) First rental unit/room | \$150.00 |
| | (2) Each other rental unit/room | \$150.00 |

If the connection to the wastewater system requires that a street cut be made, an additional fee of one hundred fifty dollars (\$150.00) will be assessed.

(5) Determination of costs. There shall be and there are hereby established monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the costs categories of:

- (a) Administrative costs including billing and accounting costs;
- (b) Operation and maintenance costs of the wastewater collection system; and
- (c) Operation and maintenance costs of the wastewater treatment system.

The distribution of the total yearly costs of the operation and maintenance costs of the wastewater system shall result in payment in proportion to each user's contribution to the total wastewater loading of the system. As a minimum the total wastewater loading per customer (user) shall be determined by three (3) factors as follows:

- (i) Wastewater flow in gallons per day or other appropriate unit rate of flow;
- (ii) Biochemical Oxygen Demand (BOD) expressed in pounds per day or other appropriate weight per unit of time units; and
- (iii) Suspended Solids (SS) expressed in pounds per day or other appropriate weight per unit of time units.

If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment costs as charged by others against the city, then the monetary effect of such a parameter or parameters shall be borne by the dischargers of such parameters in proportion to the amount of discharge.

(6) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads, each class by user being identified as follows:

Class 1: Those users whose biochemical oxygen demand is two hundred forty milligrams per liter (240 mg/l) by weight or less, and whose suspended solids discharge is two hundred sixty milligrams per liter (260 mg/l) by weight or less.

Class II: Those users whose biochemical oxygen demand exceeds two hundred forty milligrams per liter concentration (240 mg/l) by weight and/or whose suspended solids exceeds two hundred sixty milligrams per liter concentration (260 mg/l).

(7) Computation of costs. (a) Operation and maintenance costs recovery.

- (i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchases (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

C_i = the Class I total unit cost in \$/1,000 gallons.

T.S.C. = the total system yearly operation and maintenance costs as determined by yearly budget projections.

T_t = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the wastewater systems is in excess of those described in § 18-311(6), Class I users, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Excess BOD contribution from a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

Su = Excess suspended solids contribution from a user per unit of time.

(b) Administrative and debt service costs recovery. All users, whether Class I or Class II shall pay an additional charge which shall be based on all costs necessary to bill, collect, and administer the wastewater program and that revenue necessary to repay all debts acquired by the city in order to design and construct said wastewater facilities.

(8) Frequency of analysis. (a) The waste discharges of each Class II user discharging same into the city's sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes shall be made semi-annually, or more often as may be deemed necessary, by the city.

(b) Samples shall be collected in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of said wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

(9) Disputed analysis: regauging and sampling of wastes. In the event that an analysis of wastes, determined by the samplings and gauging of wastes from a user by the city is disputed, a program of resampling and gauging, with subsequent chemical determination, may be instituted as follows:

(a) The user interested must submit a request for resampling and gauging of their wastes to the city by letter and bind themselves to bear the expenses incurred by the city in the resampling and gauging and subsequent determination of the wastes.

(b) The chemist or engineer employed by the user responsible for the request submitted to the city must confer with the city's person in charge of gauging and sampling. Jointly they will establish the length of the re-run and the methods to be employed to determine the flow and to sample the flow.

(c) The chemist or engineer engaged by the user may be present during the gauging and sampling operation and also in the city's laboratory during the chemical analysis.

(d) The results of the analysis, determined from the quantity and quality of the flow shall be considered the analysis of record and shall be used to establish current billing procedures.

(10) Monthly rates. There shall be and there are hereby established monthly rates and charges to recover the costs associated with the operation and maintenance of the sewer system, administration, debt service, and services supplied by the sewer system bases upon those factors and parameters established in § 18-311(5), (6), and (7) and shown below.

All users of the sewer system shall have a minimum monthly fixed charge and, in addition, shall be assessed a flat rate based on the metered quantities

of water purchased in accordance with the usual and customary fees and charges as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current rates and charges consult the schedule of fees on file with the city recorder.

(11) Monthly bills. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

A penalty of five percent (5%) shall be added to any bill not paid on or before the "PAY GROSS AFTER" date. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

A customer's service may be discontinued without notice if his bill is not paid on or before seven (7) days after the "PAY GROSS AFTER" date. The city 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 bill due date fall on Sunday or a holiday, the business day next following that date will be the last day to pay without the penalty. A remittance received by mail after the time limit for payment without the penalty will be accepted by the city if the envelope is date-stamped, on or before the "PAY GROSS AFTER" date.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water or any other service is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

(12) Water bills and sewer bills to be combined. Water bills and sewer bills shall be combined in one statement in such manner as to require the payment of both water charges and sewer charges as a unit.

(13) Discontinuance of service upon failure to pay bills, etc. Payment of such bills as are presented under § 18-311(11) shall be enforced by discontinuing either the water service, the sewer service, or both, except to the extent that the city cannot do so without impairment of the contract rights vested in the holders of the outstanding bonds payable from the revenues of the water and sewer systems of the city. (1978 Code, § 13-311, modified)

18-312. Fats, oils and grease traps and interceptors. (1) Prohibited acts. It is a violation of this sewer use ordinance to introduce into the City of Dyersburg Sewer Collection System, or waste water treatment facilities, any solid or viscous substance(s) including, but not limited to: fats, oils, grease, waste food, garbage with particles greater than one-half inch (½") in any dimensions, paunch manure, bones, hair, hides, flushings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw shavings, waste paper, wood plastics, mud, or any other substance, (hereinafter referred to as "FOG") whether when combined with, or separate from other influent in the sewer collection system, causes or contributes to the

stoppage or reduction of flow of the sewer collection system, or other interference with the operation of the wastewater treatment facilities of the City of Dyersburg. This shall include dumping of grease or any food particles into dumpsters or any other trash containers for health reasons. The use of degreasing or line cleaning products is prohibited.

(2) Penalty. Each violation of this sewer use ordinance is punishable against the property owner or its lawful occupant to the fullest extent of the penalty clause of the City of Dyersburg Ordinances. Each day FOG is put into the sewer collection system constitutes a separate offense.

In addition to the penalties heretofore set forth, upon fourteen (14) days proper notice to the property owner or its lawful occupant, and after ten (10) days notice in a newspaper of general circulation within the city, the sewer committee of the City of Dyersburg after a public hearing is empowered and authorized to determine whether the sewer user constitutes an actual and continuing harm to the structural integrity of the sewer collection system, and is empowered and authorized to determine whether the sewer user constitutes an actual and continuing threat to the public health of the city. At the hearing the committee will consider all evidence and testimony presented, including all evidence and testimony brought forth by the sewer user. The sewer user may be represented by counsel. In the event that the committee determines that an actual and continuing harm to either the structural integrity or the public health is occurring, then the committee is empowered and authorized to discontinue water service and sewer service to the sewer user until the threat to the structural integrity or public health has been abated or eliminated. Any appeal of the decision of the committee will lie to the full board of mayor and aldermen. The property owner or lawful occupant bears the burden of showing that the threat to the structural integrity and/or public health has been abated or eliminated and can apply at any time thereafter for the resumption of water and sewer service. All waste manifest for each location. Failure to comply with the City of Dyersburg grease ordinance will result in waste hauler not being permitted to haul waste within the city limits of Dyersburg.

(3) Fats, oils and grease (FOG, waste food and sand interceptors). FOG, and/or sand interception equipment shall be provided when they are necessary for the proper handling of liquid wastes containing FOG, any flammable wastes, food waste, sand, soil and solids in excessive amounts which impact the flow of the sewer collection system. All FOG interception equipment must meet with the requirements of the Dyersburg Plumbing Code and other requirements described below. FOG interception equipment shall be required for any single-family residence or multi-family that may cause problems with City of Dyersburg collection system. All FOG interception shall be located so as to be readily and easily accessible for cleaning and inspection.

(a) New construction and renovation. As a part of the approval process and as a condition precedent to the issuance of a building permit, all proposed new construction of, and/or renovation of, restaurants,

cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, jails, churches, camps, caterers, manufacturing plants and all other sewer users who discharge applicable waste shall submit a FOG and food waste control plan to the building codes inspector that will effectively control the discharge of FOG into the sewer collection system. It is a violation of this ordinance to construct or renovate a building listed above without the required approval. Each day the sewer user actually uses a building as a restaurant cafeteria hotel, motel, hospital, nursing home, school, grocery store, jail, church, camp, caterer, manufacturing plant and any other sewer user who discharges applicable waste without duly approved FOG control equipment constitutes a separate violation under subsection (1) above and is punishable under subsection (2). It is a violation of this regulation of sewer use to fail to clean, service and maintain FOG interception equipment after it has been installed. The building codes inspector should give the contractor a copy of the City of Dyersburg grease ordinance as a guideline for all new businesses that prepare any type of foods. All new businesses that prepare any type of foods shall follow methods from EPA sizing of disposal system (see attached sheets on methods¹). A diagram of grease trap tank will be included in ordinance (per city specs).

(b) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer user who has currently existing FOG interception equipment shall maintain the FOG interception equipment through proper cleaning, servicing and maintenance, in such a manner so as to prohibit excessive loading, plugging damage, or potential damage to structures or equipment in the sewer collection system. The superintendent or his designee is authorized and empowered to enter onto the premises of any sewer user, during normal business hours, for the purpose of inspecting the cleaning, service and maintenance of the FOG interception equipment. Failure to properly maintain or clean the FOG interception equipment will be deemed to constitute a prohibited act under subsection (a). Owners whose interceptors are deemed to be ineffective may be required to change the cleaning frequency or to increase the size of the interceptor. All existing structures that have current existing FOG equipment must have all in-ground tanks cleaned every three (3) months. Every three (3) months is the minimum requirement for cleaning in-ground tanks. All under sink grease traps must be cleaned monthly. All traps that are cleaned must have a manifest for each location. The

¹Available in the office of the city recorder.

manifest must be signed and dated by the owners with the disposal location for grease products included on manifest.

(c) Existing structures (no existing FOG interception equipment.) All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, jails, churches, camps, caterers, manufacturing plants and any other sewer user, who discharge applicable waste and who do not have installed FOG interception equipment, shall be required to submit a plan for control of FOG within ninety (90) days of receipt of notice from the superintendent that FOG is causing excessive loading, plugging, damage, impeding or stopping the flows of the sewer collection system or is causing potential problems to structures or equipment in the sewer collection system. Failure to timely submit a FOG control plan shall constitute a separate violation of this ordinance. Existing structures must install a size forty (40) pound under sink grease trap which is the minimum. This size may change at the discretion of the director. After approval of the FOG control plan by the building code officer, the sewer user must:

(i) Implement the plan within a reasonable time. The sewer user and the superintendent shall agree in writing upon the time table for implementation of the FOG plan; and

(ii) Clean, service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. The superintendent or his designee is authorized and empowered to enter onto the premises of the sewer user, during normal business hours for the purpose of inspecting the cleanliness, service and maintenance of the FOG interception equipment. The failure to clean, service and maintain FOG interception equipment shall constitute a prohibited act under subsection (1). All in-ground tanks are to be cleaned every three (3) months and all under sink grease traps are to be cleaned once a month. All trap cleaning is subject to change under discretion of the director on condition of units.

(4) Sand, soil and oil interceptors. All car washes, truck washes, service stations, garages and other sources of sand, soil and oil shall install effective sand, soil and oil interceptors. These interceptors shall be sized to effectively remove sand, soil and oil at the expected flow rates. The interceptors shall be serviced, cleaned and maintained so as to prevent impact upon the sewer collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be required to change the service frequency or may to increase the capacity of the interceptor and may be subject to being in violation under this ordinance. Owners or operators of washing facilities will prevent the inflow of storm/rain water into the sanitary sewer system.

(5) Laundries. Commercial laundries shall be equipped with an interceptor including a wire bucket or similar device, removable for cleaning, that prevents passage into the sewer system of solids two (2) inches or larger in size.

(6) FOG, sand, soil, interception equipment compliance standards. The FOG interception equipment/plumbing therein associated, must be designed and installed in accordance with the City of Dyersburg Standard Plumbing Code and Tennessee Department of Environment and Conservation Engineering Standards. Underground equipment shall be tightly sealed to prevent inflow or storm or rainwater and must be easily accessible to allow for regular inspection, and for regular/routine maintenance and cleaning. FOG interception equipment and other interceptors shall be maintained by the owner or operator of the facility so as not to constitute a prohibited act under this ordinance, and so as to prevent a stoppage of the sewer collection system, and the accumulation of the FOG in the sanitary sewer lines, pump stations and treatment plant. If the city is required to clean out the public sewer lines as a result of a stoppage resulting from a prohibited act under this ordinance, or from poorly cleaned, serviced or maintained FOG interception equipment, in addition to the penalties set forth above, and the discontinuation of water service, the property owner shall be required to refund the reasonable cost of labor, equipment and materials expended in cleaning out the sewer collection system lines. In the event that two (2) or more sewer users are found to have contributed to a stoppage, or impediment to the flows of the sewer collection system, then the costs shall be apportioned among them pro-rata. In the event the owner or its lawful occupant fails to pay the reasonable costs of labor, equipment and materials, then those costs may be assessed against and collected as a special assessment under the ad valorem property taxes, on the property. (as added by Ord. #BB-571, Oct. 2005)

CHAPTER 4

SEWAGE¹

SECTION

- 18-401. Definitions.
- 18-402. When disposal facilities are required.
- 18-403. When a connection to the sanitary sewer is required.
- 18-404. When a connection to a septic tank is required.
- 18-405. Septic tank cleaners regulated.
- 18-406. Use of sanitary pit privies, etc.
- 18-407. Responsibility for providing facilities.
- 18-408. Responsibility for maintaining facilities.
- 18-409. Only sanitary methods of disposal to be used.
- 18-410. Discharge into roads, lakes, etc., prohibited.
- 18-411. Pollution of ground water prohibited.
- 18-412. Inspections, violations, and corrections.
- 18-413. Carnivals and other transients.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within 250 feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." (See § 13-101 in this code).

(3) "Human excreta." The bowel and kidney discharge of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, businesses, or industrial establishments.

(5) "Approved septic tank." A watertight covered receptacle of impervious material constructed according to plans approved by the health officer. Such tank shall have a capacity of not less than five hundred (500) gallons plus one hundred (100) gallons for each person in excess of six (6) persons up to a total of sixteen (16) persons. The effective depth of the tank from the water level to the bottom of the tank shall not be less than four (4) feet, and the length from inlet to outlet shall be not less than two (2) times the width. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply.

¹Municipal code reference

Plumbing code: title 12, chapter 2.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in the earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 Code, § 8-201)

18-402. When disposal facilities are required. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits of the City of Dyersburg shall be required to have a sanitary method of disposal of sewage and human excreta. (1978 Code, § 8-202)

18-403. When a connection to the sanitary sewer is required. Wherever an accessible and adequate sewer with sufficient fall exists in the judgment of the superintendent of the water and light department, and, water under pressure is available, flush closets shall be provided and the wastes from such closets shall be discharged through a connection to the sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise provided with a connection to the sewer as herein provided, no other method of human excreta disposal shall be employed. (1978 Code, § 8-203)

18-404. When a connection to a septic tank is required. Wherever flush closets are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such closets shall be discharged into an approved septic tank.

No septic tank or other water-carried, sewage disposal system, except a sewer connection, shall be installed without first securing a written permit from the health officer or his duly appointed representative. Such permit shall be issued without cost to the applicant and the system shall be installed according to the plans approved by the health officer. (1978 Code, § 8-204)

18-405. Septic tank cleaners regulated. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks on private or public property must register with the health officer and furnish such records of work done within the corporate limits of the City of Dyersburg as may be deemed necessary by the health officer. (1978 Code, § 8-205)

18-406. Use of sanitary pit privies, etc. Wherever a sanitary method of human excreta disposal is required and flush closets are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-206)

18-407. Responsibility for providing facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by this chapter, or the agent of the owner, to provide such facilities. (1978 Code, § 8-207)

18-408. Responsibility for maintaining facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for human excreta disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1978 Code, § 8-208)

18-409. Only sanitary methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter. (1978 Code, § 8-209)

18-410. Discharge into roads, lakes, etc., prohibited. No sewage or excreta shall be discharged or deposited into any road, ditch, field or on the surface of the ground or into any lake or watercourse in such quantity or manner as may materially affect the quality of the water except under conditions specified by the health officer. (1978 Code, § 8-210)

18-411. Pollution of ground water prohibited. No sewage, effluent from a sewage treatment plant, or excreta shall be discharged into any well, either abandoned or constructed for this purpose, which is carried to such a depth as to penetrate the water bearing strata nor shall such matter be discharged into a crevice, sink hole, or other opening, either natural or artificial in any formation which may permit the pollution of ground water except under conditions specified by the health officer and approved by the Tennessee Department of Health. (1978 Code, § 8-211)

18-412. Inspections, violations, and corrections. It shall be the duty of the health officer to make inspections of the methods used for disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written or verbal notification of any violation of this chapter shall be given by the health officer to the person or persons responsible under this chapter for the correction of the condition, and correction shall be made within ten (10) days after such notification. If the

health officer shall advise any person that the disposition of sewage and human excreta made by such person constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, but such person shall be allowed the number of days herein provided within which to make a permanent correction. (1978 Code, § 8-212, as amended by Ord. #BB-499, July 1999)

18-413. Carnivals and other transients. Whenever carnivals, circuses, or other transient groups of persons come within the area of the corporate limits of the City of Dyersburg, such groups of transients shall provide a sanitary method for the disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary methods of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this chapter. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section but shall comply herewith immediately. (1978 Code, § 8-213)

CHAPTER 5

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-501. Definitions.
- 18-502. Construction, operation, and regulation of cross-connections, auxiliary intakes, bypasses and interconnections.
- 18-503. Statement required for supplemental water source storage.
- 18-504. Fees.
- 18-505. Penalty; discontinuance of water supply.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

"Cross-connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other waste or liquid or 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 changeover devices through which or because of which, backflow could occur are considered to be cross-connections.

"Public water supply" shall mean the Dyersburg waterworks system which furnishes water to the city and city's water utility customers for general use and which is recognized at the public water supply by the Tennessee Department of Environment and Conservation.

"Department" shall mean the Dyersburg Water and Sewer Department.

"Potable water" shall mean water that meets the criteria of the Tennessee Department of Environment and Conservation and the Environmental Protection Agency for human consumption.

"Backflow" shall mean the reversal of the intended direction of flow in a piping system.

"Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

"Auxiliary intake" shall mean any water supply on a available to a premises, other than that directly supplied by the public water system.

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

"By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention.

"Air gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air gap separation must be at least twice the inside diameter of the supply line, but not less than two inches (2"). Where a discharge line serves as receiver, the air gap separation shall be at least twice the diameter of the discharge line, but not less than two inches (2").

"Reduced pressure principal backflow prevention device" shall mean an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

"Double check valve assembly" shall mean an assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each test valve.

"Double check detector assembly" shall mean an assembly of two independently operating spring loaded check valves with a water meter (protected by another check valve or a reduced pressure backflow prevention device, depending upon degree of hazard) connected across the check valves, and with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for testing each part of the assembly.

"Atmospheric vacuum breaker" shall mean a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in the water system.

"Pressure vacuum breaker" shall mean an assembly consisting of a device containing one or two independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

"Approved" shall mean that the device or method is accepted by the Tennessee Department of Environmental and Conservation and the director as meeting specifications suitable for the intended purpose.

"Director" shall mean the director of the Dyersburg Water and Sewer Department of the City of Dyersburg or his authorized deputy, agent or representative.

"Fire protection systems:"

(1) Class I shall be those with direct connections from the public water mains only; no pumps, tanks, or reservoirs, no physical connection from other

water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(2) Class 2 shall be the same as Class I except that booster pumps may be installed in the connections from the street mains.

(3) Class 3 shall be those with direct connection from public water supply mains, and having storage tanks filled from the public water maintained in potable condition.

(4) Class 4 shall be those with direct connection from public water mains and having an auxiliary water supply dedicated to fire protection and available to the premises.

(5) Class 5 shall be those with direct connection from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or from rivers, ponds, wells, or industrial water systems; or where antifreeze or other additives are used.

(6) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. (1978 Code, § 8-301, modified, as replaced by Ord. #BB-507, Aug. 1999)

18-502. Construction, operation and regulation of cross-connections, auxiliary intakes, bypasses and interconnections. Construction and operating subject to approval of Tennessee Department of Environment and Conservation; under supervision of director.

(1) Compliance with Tennessee Code Annotated. The Water Department of the City of Dyersburg is to comply with Sections 68-221-101 et seq. of the Tennessee Code Annotated, as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this chapter, which pertain to cross-connection, auxiliary intakes, bypasses, and interconnections, and established an effective on-going program to control these undesirable water uses.

The requirements of this chapter apply to all premises served by the Dyersburg public water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. This "cross connection" chapter shall be rigidly enforced since it is essential for the protection of the water distribution system against the entrance of contamination.

(2) Regulated. (a) It shall be unlawful for any person to cause a cross-connection to be made; or to allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and are in compliance with this chapter. The operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times subject to regulation by the Director of the Dyersburg Water and Sewer Department pursuant to this chapter.

(b) If, in the judgment of the director or his designated agent, an approved backflow prevention device is required at the city's water service connection to the customers premises, or at points within the premises, to protect the potable water supply, the director shall compel the installation and maintenance of said device at the owner's expense.

(c) For all new commercial and industrial installations, the department shall inspect the site and/or review plans in order to determine the type of backflow prevention device. All required devices must be installed and operable prior to initiation of water service. All new devices must have a strainer and a small mesh screen inside of the unit. All devices must have a reduced pressure zone backflow preventor installed in commercial and industrial installations.

(d) For existing premises, the department shall perform evaluations and inspections and shall require correction of violations pursuant to this chapter.

(3) Cross-connection plumbing permit required. At the time of the initial installation of a backflow prevention device connected to the public water supply for water supply, fire protection, or any other purpose, a cross-connection plumbing permit must be purchased and obtained by the owner or installer of such device from the Dyersburg Building Codes Department. A copy of such permit shall be displayed in a conspicuous place at the job site at all times from the time of issuance until the final inspection.

(4) Inspections; required--inspection tags. The director shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the director in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. At a minimum, all newly installed plumbing systems and all additions to existing plumbing systems shall be inspected by the director upon completion.

Any person installing, repairing, or testing any backflow prevention device MUST, upon completion of work, affix an "installation and maintenance tag" upon the device. The person doing the actual work upon the device shall fill in the information requested on the tag in its entirety. These tags (tan in color) are available from the codes department when application is made for plumbing permits, or from the water and sewer department offices.

No device will be inspected or approved unless a completed "installation and maintenance tag" (tan) is attached to the device. If the tag is present, the inspector will then inspect and test the device and remove the tag for his records. The inspector will then attach either a (blue) "approve" tag or a (red) "rejected" tag. If any device is rejected, the inspector will notify the person identified on the (tan) tag. Final approval shall not be granted to any device rejected by the inspector or to any device without a tag attached. The director shall also be entitled to inspect premises and to test backflow prevention devices

whenever the same is necessary for the public good in the discretion of the director. In addition to the foregoing, the director shall have the right to enter at any reasonable time and property served by a connection to Dyersburg Public Water System for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, bypasses, or interconnections, or for the testing of backflow prevention devices. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. On request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(5) Corrections of violations. (a) Any person found to have cross-connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the director, but in no case shall the time for correction exceed thirty (30) days. Failure of such person to correct his or her violation of this chapter within the time established by director shall subject such person to the penalties set forth in § 18-505.

(b) Where cross-connections, auxiliary intakes, bypasses, or interconnections are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the director shall require that immediate corrective action be taken to eliminate the threat to the public water system.

Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is corrected immediately, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be in relationship to the risk of hazard to the public; and may follow disconnection when the risk factor of public health and safety in the opinion of the director warrants disconnection prior to a due process hearing.

(c) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-13-711, within the time limits set by the Dyersburg Public Water System, shall be grounds for denial of water service and the assessment of such other fines and penalties assessable pursuant to this chapter. If proper protection has not been provided after a reasonable time, the director shall give the customer legal notification that water service is to be discontinued, and physically separate the public water system from the customer's on-site piping system in such manner that the two systems cannot again be connected by an unauthorized person,

subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnections when the risk of public health and safety in the opinion of the director warrants disconnection prior to a due process hearing.

(6) Grievances and hearings. Any person aggrieved by the action of the director or other personnel of the City of Dyersburg Water and Sewer Department in the enforcement of this chapter is entitled to a hearing before the board of mayor and aldermen. Any hearing or re-hearing brought before the board of mayor and aldermen shall be conducted in accordance with the following:

(a) Upon receipt of a written petition from the alleged violator pursuant to this section, the director shall give within ten (10) days, give the petitioner written notice of the time and place of the hearing. In no event shall the hearing be conducted more than forty-five (45) days following receipt by the director of the written petition.

(b) The hearing may be conducted by the board of mayor and aldermen at a regular or special meeting. A quorum of the board must be present at the regular or special meeting in order to conduct the hearing.

(c) A verbatim record of the proceedings of the hearing shall be made and filed with the board in conjunction with the board's findings of fact and conclusions of law made on the basis of the record.

(d) In connection with the hearing, the mayor or, in his absence, the chairperson of the board, shall issue subpoenas in response to any reasonable request by any part to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In the case of refusal to obey a notice or subpoena issued under this section, the Chancery Court of Dyer County shall have jurisdiction upon application of the director to issue an order requiring such person to appear and testify or produce evidence as the case may require. Failure to obey such order of the court shall be punishable by the court as contempt.

(e) On the basis of the evidence produced at the hearing, the board shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of this chapter and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than thirty (30) days following the close of the hearing by the city recorder or his designee.

(f) The decision of the board shall become final and binding on all parties unless appealed to the courts as provided hereinafter.

(g) Any person to whom an emergency order is directed shall comply therewith immediately, but in no case shall such a hearing be held later than 3 days from receipt of such a petition by the board.

(h) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedures. The mayor or chairperson of the board shall rule on matters involving the parties' construction or objections under the rules.

(i) The director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The mayor or chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing, subject to approval of the board. The board, the director, his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(j) The chairperson shall possess all the authority delegated to the mayor by this section when acting in the mayor's absence or place.

(k) An appeal may be taken from any final order or other final determination of the director or board by any party who is or may be adversely affected thereby to the chancery court pursuant to the common law writ of certiorari set in Tennessee Code Annotated (T.C.A.) § 27-8-101.

(7) Required protective device. (a) For all commercial and industrial facilities, and wherever the nature of use of the water supplied a premises by the water system is such that it is deemed:

- (i) Impractical to provide an effective air-gap separation;
- (ii) The owner and/or occupant of the premises cannot, or is not willing, to demonstrate to director or his designated representative that the water use and protective features of the plumbing are such as pose no threat to the safety or potability of the water;
- (iii) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- (iv) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;
- (v) There is a likelihood that protective measures may be subverted, altered, or disconnected; or
- (vi) The plumbing from a private well enters the building served by the public water supply.

Then, for all such facilities, the director shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

(b) Only devices approved by the Foundation for Cross-Connection Control, the Tennessee Department of Environment and Conservation and the director may be used for the control of cross-connection hazards. The method of installation of backflow protective devices shall be approved by the director prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation and with the installation criteria set forth in subparagraph (f) below. The installation shall be at the expense of the owner or occupant of the premises.

(c) Applications requiring backflow prevention devices include, but are not limited to, service and/or fire connections for all commercial and educational building, construction sites, all industrial, institutional, and medical facilities, all fountains, lawn irrigation systems, all fire hydrant connections other than those utilized by the fire department in combating fires, and all other facilities which in the opinion of the director require devices for the protection of the public water supply.

(d) The City of Dyersburg has adopted the American Water Works Association classification scheme, as set forth in the Association's Manual M-14, for backflow protection on fire prevention systems. This scheme classifies fire systems into six classes based on water source and arrangement of supplies. The type of backflow protection necessary for the premises is determined by the classification of the fire prevention system. All fire systems pre-existing this chapter are required to upgrade to current chapter requirements.

(i) Class 1, Class 2 and Class 3 fire protection systems generally shall require a double check detector assembly except a reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler pipelines are parallel to and within ten feet horizontally of pipelines carrying sewage or significantly toxic wastes;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(ii) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(iii) Wherever the fire sprinkler system piping is not an acceptable potable water system, material or chemicals, such as liquid foam concentrates, are used, a reduced pressure backflow prevention device shall be required.

(e) Plumbing for commercial and educational buildings wherein backflow prevention devices are not immediately required shall be

designed to accommodate such devices in conformance with standards for such devices, including the required drains.

(f) Additionally, the director may require internal and/or additional backflow prevention devices when deemed necessary by the director to protect potable water supplies within the premises, or the public water supply.

(g) Installation criteria. Minimum acceptable criteria for the installation of reduced pressure zone type backflow prevention devices, durable check valve assemblies, pressure vacuum breakers, or other devices requiring regular inspection and testing shall include the following:

(i) All devices must be installed pursuant to this chapter by a person possessing a valid plumbing license issued by the City of Dyersburg.

(ii) All devices shall be installed in a horizontal position. No strainer or union shall be installed between valve and body of assembly.

(iii) The entire device including test cocks and valves must be easily accessible for testing and repair.

(iv) The device shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above the floor surface. Maximum height above floor surface shall not be more than sixty inches (60").

(v) Clearance from all wall surfaces or other obstructions shall be a minimum of six (6) inches.

(vi) Devices shall be protected from freezing, vandalism, mechanical abuse, and from any corrosive sticky, greasy, abrasive, or other damaging environment.

(vii) Devices shall be positioned where discharge from relief port will not create undesirable conditions.

(viii) An approved air gap shall separate the relief port from any drainage system.

(ix) An approved strainer, fitted with a test cock, shall be installed on the immediate upstream side of the device.

(x) Devices shall be located in an area free from the submergence or flood potential.

(xi) Duplicate units, installed in parallel, shall be provided in cases where the water supply cannot be interrupted for routine testing and maintenance of a single unit installation. EXAMPLE: Hospitals, factories that don't shut down, nursing homes, etc.

(xii) When installed outside, device must have guard post in drive entrance or parking lots.

(xiii) No device shall be installed over or near an electrical outlet.

(xiv) All fittings shall be brass, copper or PVC.

(xv) Pipe dope shall not be permitted for use in the installation of devices. PVC tape shall be used exclusively for installation connections.

(xvi) A gravity drainage system is required on all installations. Generally, below ground installations will not be permitted. On certain slopes where installations below ground level may be permitted, a single or multiple gravity drain system may be used provided that the single drain line is at least four (4) times the area of the relief port or that the multiple drain lines are at least two and one-half ($2\frac{1}{2}$) times the area.

(xvii) Fire hydrant drains shall not be connected to a sewer, nor shall fire hydrants be installed in such a manner that backsiphonage/backflow through the drain may occur.

(xviii) Where jockey (low volume-high pressure) pumps are utilized to maintain elevated pressure, as in a fire protection system, the discharge of the pump must be on the downstream side of any check valve or backflow prevention device. Where the supply for the jockey pump is taken from the upstream side or the check valve or backflow prevention device, an assembly of the same type as required on the main line shall be installed on the supply line.

(xix) High volume fire pumps shall be equipped with a suction limiting control to modulate the pump if the suction pressure approaches 10 PSI. Ideally, such pumps should draw from an in-house reservoir fed by several supply lines. If any of the supply lines have a source other than the public water supply, all supply lines must have air gap discharges into the reservoir.

(h) The director shall have the right to inspect and test the device on an annual basis or whenever deemed necessary by the director in his discretion. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(i) Where the use of water is critical to the continuance of normal operation or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one unit has been installed and the continuance of service is critical, the director shall notify, in writing, the occupant of the premises of plans to interrupt water service and arrange for a mutually acceptable time to test or repair the device. In such cases, the director may require the installation of a duplicate unit. The director shall require the occupant of the premises to make all repairs indicated promptly, and to keep any

protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, acceptable to the director. The failure to maintain a backflow device in proper working order shall be grounds for discontinuance of water service to a premise. Likewise the removal, bypassing, or altering of a protective device or the installation thereof so as to render a device ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director.

(8) Irrigation systems. All irrigation systems (residential or otherwise) require the maximum protection of a reduced pressure backflow prevention device which must be installed, inspected and tested according to established procedures. Devices installed outdoors must be protected with a weatherproof insulated enclosure. In cases where the device is physically removed during cold weather, no enclosure is required but the feedline must be drained and capped. All outdoor installations require a four (4) inch thick pea gravel foundation under an enclosure to protect the device from freezing, together with a stable anchor to secure the device. At the owner's request, a separate water meter will be set by the department for irrigation systems. No sewer charge will be assessed for the meter although normal tap fees and minimum billings will be assessed.

Owners of new irrigation systems are required to secure a cross-connection plumbing permit prior to commencement of construction of the system.

Owners of unpermitted irrigation systems existing prior to the adoption of this chapter are required to secure an inspection of their inspection of their existing irrigation systems and a cross-connection plumbing permit as a condition precedent to the continued operation of such systems.

Failure by an owner to secure a cross-connection permit for a new or existing irrigation system will result in the disconnection of the owner's premises from the city's water system and/or the maximum fine assessable under the penalty clause of the municipal code.

(9) Testing and repair of backflow prevention devices. (a) All testing and/or repair of backflow prevention devices shall be performed by a person with backflow prevention certification acceptable to the Tennessee Department of Environment and Conservation Division of Water Supply and the Director. A record of all testing and repair of backflow prevention devices shall be maintained by the director in the department. On an annual basis, the director, or his designee, shall test all backflow devices located on, or affecting the public water supply. There shall be no charge for annual testing performed by the director.

(b) At least fifteen (15) days prior to an annual backflow prevention device test, notice shall be sent to the affected property

owner/occupant. The annual test shall be performed in the least obtrusive/disruptive manner possible. If access to the interior portion of a structure is required, the director or his designee shall make direct contact with the property owner/occupant and shall make reasonable accommodations regarding the coordination of the testing event.

(c) Any and all repair(s) and/or additional testing (tests not on an annual basis) of a backflow prevention device shall be at the sole cost of the property owner/occupant. The director may perform additional testing of backflow prevention device(s) but, shall charge the property owner for such additional testing in accordance with a fee schedule, approved from time to time by the board. Private parties known and approved by the director are authorized to make repairs and perform additional testing.

(d) Backflow prevention devices that fail testing must be repaired and successfully re-tested within a thirty (30) day period following receipt of notification of such failure. Any backflow prevention device which has failed testing, and is not repaired and successfully retested within thirty (30) days, shall be deemed to constitute an extreme hazard of immediate concern of contamination to the public water supply, authorizing the director to require immediate corrective actions, which includes but is not limited to, after ten (10) days written notice, the discontinuation of water service at the affected property. If water service is discontinued, a hearing, as provided under this chapter, shall be scheduled as soon as practical.

(10) Certification required for testing and repair. (a) Prior to the commencement of any test or repair of a backflow prevention device, the person performing such test or repair, including the director or his designee, shall file a copy of his or her backflow prevention certificate as approved by the Tennessee Department of Environment and Conservation with the director. The director shall maintain records of all persons authorized to perform testing or repair.

(b) Fire prevention system contractors, who do not possess a certificate described above, must be pre-approved by the director prior to a final installation of any backflow prevention device located on the public water supply and on the fire prevention system. Any such backflow prevention device must be properly tested and/or repaired in accordance with this chapter.

(11) Nonpotable supplies. (a) The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(b) The foregoing conspicuous language shall be displayed upon a sign with black letters at least one inch (1") high located on a red background.

(c) Color coding of pipelines in accordance with the Occupational Safety and Health Act guidelines may be required in locations where, in the judgment of the director, such color coding is necessary to identify and protect the potable water supply. (1978 Code, § 8-302, as replaced by Ord. #BB-507, Aug. 1999, and amended by Ord. #BB-554, June 2004, and Ord. #BB-564, Dec. 2004)

18-503. Statement required for supplemental water source storage. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director a statement of the non-existence of unapproved or unauthorized cross-connection, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1978 Code, § 8-303, as replaced by Ord. #BB-507, Aug. 1999)

18-504. Fees. A permit fee shall be charged all applicants applying for a cross-connection plumbing permit. The amount of this fee shall be set and adjusted from time to time as is necessary by the city board upon the recommendation of the director to reflect the cost of providing cross-connection services and control. A schedule of current fees shall be maintained at all times in the office of the recorder in city hall. (1978 Code, § 8-304, as replaced by Ord. #BB-507, Aug. 1999)

18-505. Penalty; discontinuance of water supply. (1) Any person found to be or to have acted in a manner contrary to or violative of this chapter shall be deemed guilty of a misdemeanor and shall be subject to the maximum fine allowable under the penalty clause of the Dyersburg City Code. Each day a violation of this chapter exists shall constitute a new and separate offense punishable by such maximum fine.

(2) Independent of and in addition to such fines and penalties, the director may discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or interconnection; and service shall not be restored until such cross connection, auxiliary intake, by-pass or interconnection has been discontinued. (1978 Code, § 8-305, as replaced by Ord. #BB-507, Aug. 1999)

CHAPTER 6

WELLS, SPRINGS AND PONDS

SECTION

- 18-601. Use of municipal water required.
- 18-602. Use of wells or springs prohibited.
- 18-603. Digging of new wells prohibited.
- 18-604. Inspection of springs and wells.
- 18-605. Condemnation and abatement of unsanitary springs or wells.
- 18-606. Failure to abate nuisance.
- 18-607. City abatement of nuisance.
- 18-608. Offense or dangerous pools or ponds.
- 18-609. Wellhead protection.

18-601. Use of municipal water required. Every dwelling, house, apartment, and commercial or industrial structure located within the City of Dyersburg must be supplied with municipal water service, provided there is a municipal water main in the front, rear, or on either side of such premises. (as added by Ord. #576, May 2006)

18-602. Use of wells or springs prohibited. It shall be unlawful for any person located on any premises where there is provided a water main in the front, rear, or on either side of such premises, to use water from wells or springs if such premises are open to the general public, or if the general public is invited upon such premises. (as added by Ord. #576, May 2006)

18-603. Digging of new well prohibited. It shall hereafter be unlawful for any person to dig a well upon any premises within the City of Dyersburg. (as added by Ord. #576, May 2006)

18-604. Inspection of springs and wells. The water plant and distribution superintendents are hereby authorized and directed to have the Tennessee Department of Health and/or the Tennessee Department of Environment and Conservation (TDEC) inspect and examine all springs and wells which they have reason to believe are polluted, unhealthy, unsanitary, and carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (as added by Ord. #576, May 2006)

18-605. Condemnation and abatement of unsanitary springs or wells. If, as a result of such examination, inspection, and analysis, provided for in § 18-604 of this chapter, the Dyersburg Water Treatment Plant Supervisor or the Tennessee Department of Health or the Tennessee Department of

Environment and Conservation (TDEC) ascertains that any spring or well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the water treatment plant supervisor shall at once condemn such spring or well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous, and shall at once serve written notice upon the owner of such well or spring, if he be a resident of the City of Dyersburg, to abate such nuisance within ten (10) days by permanently closing such well or spring and so abating it as to render the taking of water therefrom impossible. If the owner resides outside the city, the water treatment plant superintendent shall give him such notice in writing as above provided by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in the city, requiring the unknown owner of such spring or well to close and obstruct such spring or well and abate such spring or well within ten (10) days from the date of publication of such notice. (as added by Ord. #576, May 2006)

18-606. Failure to abate nuisance. Any owner of a spring or well who fails to comply with abatement notice as provided herein within ten (10) days from the receipt thereof by closing and obstructing such spring or well and abating such nuisance to the public health shall be subject to a fine in the Dyersburg Municipal Court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of Dyersburg may seek civil remedies for any damage to the public water supply that are caused by said nuisance. (as added by Ord. #576, May 2006)

18-607. City abatement of nuisance. If any owner of a spring or well shall fail to close and obstruct such well or spring and abate such nuisance after expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon request of the mayor, to abate, obstruct, and close up such well or spring so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well or spring and shall be payable to the City of Dyersburg on demand. (as added by Ord. #576, May 2006)

18-608. Offensive or dangerous pools or ponds. Every pool, pond, or other place within the city which shall be offensive or dangerous to health is hereby declared to be a public nuisance and may be abated at the cost of the property owner unless renovated, cleaned, or purified within three (3) days of notification by the water treatment plant superintendent. (as added by Ord. #576, May 2006)

18-609. Wellhead protection. The City of Dyersburg hereby adopts TDEC Rule No. 1200-5-1-.34¹ as its official wellhead protection policy. (as added by Ord. #576, May 2006)

¹TDEC Rule No. 1200-5-1-.34 is available in the city recorder's office.

TITLE 19**ELECTRICITY AND GAS****CHAPTER****1. GAS.****CHAPTER 1****GAS¹****SECTION**

- 19-101. Application of chapter.
- 19-102. Rates.
- 19-103. Multiple services through a single meter.
- 19-104. Billing.
- 19-105. Maintenance of meters.
- 19-106. Ownership of meters; transfer of meter deposits.
- 19-107. Estimated bills.
- 19-108. Failure to receive bill.
- 19-109. Failure or interruption of service.
- 19-110. Restricted use of gas.
- 19-111. Applications for service.

19-101. Application of chapter. The rates, rules, and regulations hereinafter set forth shall constitute and be considered a part of the contract with every person, company, firm, corporation, or legal entity supplied with natural gas from the gas system of the city, and every person, company, firm, corporation, or legal entity, hereinafter called the consumer, who accepts and uses natural gas shall be held to have consented to be bound thereby. (1978 Code, § 13-502, modified)

19-102. Rates. The rates and charges for gas furnished consumers within the corporate limits of the City of Dyersburg, except in instances where special contracts apply, shall be in accordance with the usual and customary rates and charges as promulgated and amended from time to time by the board of mayor and aldermen of the City of Dyersburg. For the current rates and

¹Municipal code reference
Gas code: title 12.

charges consult the schedule of fees on file with the city recorder. (1978 Code, § 13-503, modified)

19-103. Multiple services through a single meter. If more than one tenant, owner, or other occupant of a residence, storeroom, building, or business location shall have gas delivered to him or her or to a business, partnership, firm, corporation, legal entity, or company through any one meter, in the case of failure of one or the other to pay all gas bills when due, then the landlord, owner, and tenant shall be held responsible for the payment of all gas bills which may become due the city. It is provided further that in no case will the city or any member of the governing body or any city employee be permitted or expected to in any way adjust or pass judgment in the case of any disputes between any number of parties, persons, firms, companies, corporations, or legal entities regarding share, portion, or part of what amount of gas was delivered to them through any meter supplying any such group of consumers. Provided that the superintendent of the gas department shall determine the number of meters to be used. It is further provided that the consumers and all other parties legally liable shall be responsible and liable for gas bills and charges as herein provided. (1978 Code, § 13-504)

19-104. Billing. Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

A penalty of five percent (5%) shall be added to any bill not paid on or before the "PAY GROSS AFTER" date. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

A customer's service may be discontinued without notice if his bill is not paid on or before seven (7) days after the "PAY GROSS AFTER" date. The city 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 bill due date fall on Sunday or a holiday, the business day next following that date will be the last day to pay without the penalty. A remittance received by mail after the time limit for payment without the penalty will be accepted by the city if the envelope is date-stamped, on or before the "PAY GROSS AFTER" date.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water or any other service is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (1978 Code, § 13-506, modified)

19-105. Maintenance of meters. Consumers shall be held responsible for any damage done to meters on their premises from any cause other than ordinary wear and tear. The city shall keep all meters in repair and proper working condition without cost to the consumer except where a meter is damaged by neglect or fault of the consumer in which case the city shall collect from the consumer the cost of repairing or replacing any meter damaged while supplying customer's premises. No consumer or other person shall repair or remove any meter or break any seal on a meter or cock or tamper with or interfere with the proper registration of any meter. (1978 Code, § 13-507)

19-106. Ownership of meters; transfer of meter deposits. All meters shall remain the property of the city and may be removed from the property of the consumer at any time for the purpose of testing and repairing same or upon discontinuance of service. Meter deposits cannot be sold or transferred by one consumer to another except by consent of the city recorder and then only after payment in full is made for gas consumed to date of such transfer. (1978 Code, § 13-508)

19-107. Estimated bills. In case any meter shall stop or for any reason fail to register properly, or upon failure to read any meter, the superintendent may estimate the monthly bill on the basis of the average monthly quantity consumed during the past six (6) months. (1978 Code, § 13-509)

19-108. Failure to receive bill. Each person, firm, corporation, or legal entity liable therefor shall pay the monthly charges for gas even though a bill therefor may not have been received. (1978 Code, § 13-510)

19-109. Failure or interruption of service. It is further provided that according to its source of supply and the condition of its natural gas system, the city and the gas department will make reasonable and proper efforts to furnish natural gas to its consumers, but the city and the natural gas department make no guarantees to anyone as to supplying natural gas and the city shall not be liable to any person, firm, company, corporation, or legal entity for any loss or damage caused by a failure or interruption of natural gas service. Use by anyone of natural gas from the city's natural gas system shall of itself be an acceptance of the foregoing stipulations. (1978 Code, § 13-511)

19-110. Restricted use of gas. The city reserves the right to restrict, curtail, or refuse natural gas service for good and sufficient reasons. (1978 Code, § 13-512)

19-111. Applications for service. Applications for natural gas service shall be made with the city before service can be rendered. (1978 Code, § 13-513, modified)

TITLE 20**MISCELLANEOUS****CHAPTER**

1. FAIRVIEW CEMETERY.
2. CITY PARKS.
3. FIXED BASE OPERATORS AT AIRPORT.
4. AIRPORT RULES AND REGULATIONS.
5. AIR POLLUTION.
6. FAIR HOUSING REGULATIONS.
7. DEFECTIVE ALARM SYSTEMS AND INTENTIONAL FALSE ALARMS.

CHAPTER 1**FAIRVIEW CEMETERY****SECTION**

- 20-101. Perpetual care fund.
- 20-102. Revenue for perpetual care fund.
- 20-103. Purchase price for lots.
- 20-104. Speed limits.
- 20-105. Supplementary rules and regulations.

20-101. Perpetual care fund. A perpetual care fund for Fairview Cemetery, to be administered by or under the supervision of the cemetery committee of the board of mayor and aldermen and their successors, is hereby established. (1978 Code, § 12-301)

20-102. Revenue for perpetual care fund. Fifty per cent (50%) of all receipts from the sale of lots and single grave spaces in Fairview Cemetery, received after the adoption of these provisions, shall be paid over to the perpetual care fund. The fund shall also receive one hundred per cent (100%) of the gross profits made by the city on any work performed in the cemetery, or fifty per cent (50%) of the gross charges for such work which are passed on to the customer, whichever is greater. (1978 Code, § 12-302)

20-103. Purchase price for lots. The purchase price for lots shall be in accordance with the usual and customary fees as promulgated and amended from time to time by the board of mayor and aldermen for the City of Dyersburg. For the current purchase price for lots, consult the schedule of fees on file with the city recorder (1978 Code, § 12-303, modified)

20-104. Speed limits. No person shall operate, or permit his or her minor child to operate, any type vehicle at a rate of speed in excess of fifteen (15) miles per hour in any cemetery located within the corporate limits of Dyersburg, Tennessee. (1978 Code, § 12-305)

20-105. Supplementary rules and regulations. Subject to the approval of the board of mayor and aldermen, the cemetery committee may make such additional rules and regulations as shall be deemed necessary for the administration and operation of city cemeteries. (1978 Code, § 12-306)

CHAPTER 2

CITY PARKS

SECTION

- 20-201. Definitions.
- 20-202. Persons invited to use city parks; park hours.
- 20-203. Unlawful activities generally.
- 20-204. Sanitation.
- 20-205. Traffic.
- 20-206. Recreational activities.
- 20-207. Certain behavior declared unlawful.
- 20-208. Merchandising, advertising and signs.
- 20-209. Park operating policy.
- 20-210. Enforcement.
- 20-211. Additional rules and regulations.

20-201. Definitions. For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Dyersburg, Tennessee.
- (2) "Director" is the director of recreation and parks of the City of Dyersburg, the person immediately in charge of all park area and its activities, and to whom all park attendants in such area are responsible.
- (3) "Park" is all city owned parks.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance, whether motor powered, animaldrawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (1978 Code, § 12-401)

20-202. Persons invited to use city parks; park hours. (1) All persons are invited to use city parks and their facilities who will comply with the terms of this chapter and such rules and regulations as may be promulgated hereunder governing the use of city parks.

- (2) City parks, known as Okeena Park, Kiwanas Park, Wheeler Park and Evansville Park and future parks, will be open to use by the public invited thereto between the hours of 7:00 A.M. and 11:00 P.M.

(3) All ball parks shall be closed one hour after sunset until 7:00 A.M. unless ball field lights are on and are authorized to be on by league officials and/or the city director of parks and recreation.

(4) Tennis courts shall have the open hours posted at the entrance of the courts.

(5) Each recreation center complex shall have posted the open hours for its indoor and outdoor recreational facilities. No person or persons and/or vehicles will be allowed to be in the recreation center complex after closed hours. Vehicles parked in the recreation complex after complex is closed shall be towed away at the owners expense.

(6) All unlighted ball parks shall be closed one hour after sunset until 7:00 A.M. (1978 Code, § 12-402)

20-203. Unlawful activities generally. It shall be unlawful for any person within the city parks to:

(1) Buildings and other property.

(a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placecards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(c) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns. (a) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences, or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild animals, birds, etc. (a) Hunting, molesting, etc. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes or other deadly reptile may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances. (1978 Code, § 12-403)

20-204. Sanitation. It shall be unlawful for any person within city parks to:

(1) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters or in contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and properly disposed of elsewhere. (1978 Code, § 12-404)

20-205. Traffic. (1) State motor vehicle laws and city traffic ordinance apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic ordinance of the City of Dyersburg in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) Obey personnel; enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

(4) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Operation confined to specific areas. Drive any vehicle on any area except the paved or graveled park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by a park attendant.

(6) Parking. (a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there and with the instructions of any attendant who may be present.

(b) Full-parking. Full-park on the road or driveway at any time.

(c) Immovable vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred (100) feet from both front and rear on any driveway or road area except legally established parking areas.

(e) Double parking. Double park any vehicle on any road or parkway unless directed by a park official.

(f) Muffler required. Fail to use muffler adequate to deaden the sound of the engine in a motor vehicle.

(g) Abandonment. Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park director or police department. Any vehicle remaining in said park after closing hours will be towed away and stored at the expense of the owner.

(7) Bicycles and motorcycles. (a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road.

(b) Operation generally. Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists and motorcyclists shall, at all times, operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

- (c) Rider prohibited. Ride any other person on a bicycle.
- (d) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (e) Immobile. Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.
- (f) Night operation. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of, and without red taillight or red reflector plainly visible from at least one hundred (100) feet from the rear of such bicycle or motorcycle. (1978 Code, § 12-405)

20-206. Recreational activities. It shall be unlawful for any person within a city park to:

- (1) Swimming, etc. Swim, bathe, or wade in any waters or waterways in or adjacent to such park, except at city swimming pool areas.
- (2) Boating. Bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters in such park.
- (3) Hunting and firearms. Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings or any other form of weapon potentially dangerous to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- (4) Picnic areas. (a) Generally. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - (b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first-serve".
 - (c) Nonexclusive. Use of any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
 - (d) Duty of picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(5) Camping. Except as specifically set out below, to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director obtained in accordance with § 20-209(3).

(6) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. (1978 Code, § 12-406)

20-207. Certain behavior declared unlawful. It shall be unlawful for any person within a city park to:

(1) Intoxicating beverages. (a) Prohibition. Bring controlled substances and/or alcoholic beverages into the park or to drink alcoholic beverages at any time in the park.

(b) Drunkenness. Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.

(c) Fireworks and explosives. Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. An exception is made regarding regular activities on the 4th of July of each year.¹

(2) Domestic animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile marking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length.

¹Municipal code reference
Fireworks: title 7, chapter 4.

(3) Reservation of facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under six (6) years of age.

(4) Dress. Appear at any place in other than proper clothing.

(5) Alms. Solicit alms or contributions for any purpose, whether public or private.

(6) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(7) Closed areas. Enter an area posted as "Closed to the Public", nor shall any person use or abet the use of any area in violation of posted notices.

(8) Games of chance. Gamble or participate in or abet in any game of chance.

(10) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(11) Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(12) Exhibit permits. Fail to produce and exhibit any permit from the director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(13) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit. (1978 Code, § 12-407)

20-208. Merchandising, advertising and signs. No person in a city park shall:

(1) Vending and meddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director, and those conducting activities under a permit where such permit permits the sale of articles or things. The exception under the permit shall only be granted to those activities which are charitable in purpose.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be

erected any sign whatever on any public lands or highways or roads adjacent to a city park. (1978 Code, § 12-408)

20-209. Park operating policy. (1) Closed areas. Any section or part of a city park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(2) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The director shall make every reasonable effort to find articles reported as lost.

(3) Permit. A permit shall be obtained from the director before participating in the following park activity: overnight "pup tent" type camping by organized groups under the sponsorship of recognized youth development agencies; sale of articles or things by a permittee for a charitable purpose.

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

- (i) The name and address of the applicant;
- (ii) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (iii) The day and hours for which the permit is desired;
- (iv) The park or portion thereof for which such permit is desired;
- (v) An estimate of the anticipated attendance; and
- (vi) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

- (i) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (iii) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct;
- (iv) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city; and
- (v) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Appeal. Within twenty-four (24) hours after receipt of an application, the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the mayor, which shall consider the application under the standards set forth in § 20-209(3)(b) hereof and sustain or overrule the director's decision within twenty-four (24) hours. The decision of the mayor shall be final.

(d) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(e) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(f) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (1978 Code, § 12-409)

20-210. Enforcement. (1) Officials. The director, park attendants, police, constables and sheriff departments shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director, park attendants, police, constables and sheriff departments shall have the authority to eject from the parks any person action in violation of this chapter or rules and regulations promulgated hereunder. (1978 Code, § 12-410)

20-211. Additional rules and regulations. The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter and to assure an impartial, fair and safe use and enjoyment of city parks by those persons lawfully using the parks. The director shall have the authority to schedule the use of tennis courts and ball fields under this section. Regulations pertaining to specific activities shall be displaced in a prominent and public location at the point of the activity controlled. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (1978 Code, § 12-411)

CHAPTER 3

FIXED BASE OPERATORS AT AIRPORT

SECTION

- 20-301. Regulated.
- 20-302. Standard requirements for all operators.
- 20-303. General fixed base operator.
- 20-304. Standards for specific aeronautical services.
- 20-305. Special fixed base operator.
- 20-306. Insurance.
- 20-307. Maintenance/management agreement.
- 20-308. Violations.

20-301. Regulated. All aeronautical services and activities at said airport shall hereafter be rendered by and engaged in by duly qualified fixed base operators as hereinafter described under written contract with the city in accordance with the following standards which are hereby adopted as ordained as the "Minimum Standards for Fixed Base Operators at Dyersburg Municipal Airport." (1978 Code, § 12-501, as replaced by Ord. #BB-501, Aug. 1999)

20-302. Standard requirements for all operators. Each individual or corporation making application with the city as a general or special fixed base operator (hereinafter collectively referred to as fixed base operators) to conduct aeronautical activities on the airport must unequivocally prove and establish:

(1) That the applicant has sufficient management experience and available personnel to conduct the proposed service or activity in an efficient and workmanlike manner.

(2) That the applicant is financially responsible and able to finance and provide the facilities and services to be furnished.

(3) That the applicant has or can reasonably secure necessary certificates from the FAA or other authority where the same are required for the activity proposed.

(4) That the applicant has or can furnish policies of insurance to protect and hold the city, its elected officials and employees harmless from any damage, cost or liability in connection with the conduct of the activity proposed.

(5) No fixed base operator shall be permitted to operate at the airport without a fully executed lease agreement with the city containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the city to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to such particular operator.

(6) All fixed base operators shall abide by and comply with all state, county and city laws and ordinances, the rules and regulations of the city governing such airport, and the rules and regulations of the federal aviation administration.

(7) All contracts and leases between fixed base operators and the city shall be subordinate to the provisions of any existing or future agreement between the city and the United States, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport properties.

(8) All construction required of fixed base operators shall be in accordance with design and construction standards and building codes promulgated by the city for the facility or activity involved in connection with construction. All fixed base operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under any contract or lease by and between such operator and the city. (1978 Code, § 12-502, as replaced by Ord. #BB-501, Aug. 1999)

20-303. General fixed base operator. A general fixed base operator shall be only those individuals, corporations, or firms which are authorized to engage in and furnish a full range of aeronautical activities and services which shall include, as a minimum, the following:

- (1) Sale and dispensation of aviation gasoline fuels and oils.
- (2) Adequate and efficient ramp service.
- (3) Capability to perform FAA approved major aircraft, engine, and accessory maintenance and to furnish necessary tools and equipment. (1978 Code, § 12-503, as replaced by Ord. #BB-501, Aug. 1999)

20-304. Standards for specific aeronautical services. In addition to meeting the requirements set forth in § 2 above, fixed base operators conducting the following specific activities shall meet the requirements set forth below:

- (1) Fuel and oil sales. Fixed base operators conducting aviation fuel and oil sales on the airport shall be required to provide:

- (a) Hard surface ramp space accessible by taxiway with electric pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for both 100/130 grade aviation fuel and jet fuel.

- (b) Properly trained line personnel on duty from 7:00 A.M. to 7:00 P.M., on week days from 8:00 A.M. to 5:00 P.M. on Saturdays, Sundays and holidays, and on call by readily accessible telephone at all other hours.

- (c) Waiting rooms for passengers and airplane crews of itinerant aircraft together with sanitary rest rooms and public telephones.

(d) Towing equipment to safely and efficiently move aircraft to hangar and storage areas in all reasonably expected weather conditions.

(e) Full inventory of FAA approved and accepted grades of propeller and jet engine oil and lubricants.

In conducting refueling operations, each fixed base operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.

(2) Aircraft engine and accessory maintenance. All fixed base operators engaging in aircraft engine and accessory maintenance services shall provide:

(a) Sufficient hangar space to house any aircraft upon which such service is being performed.

(b) Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance have been completed.

(c) Storage of aircraft undergoing repair. Aircraft shall not be stored for salvage operations. Any aircraft undergoing repair and to be in a non-airworthy condition in excess of thirty (30) days shall be screened from public view.

(d) Separately partitionable space with adequate exhaust fans and fire protection for spray painting if this type work is performed.

(3) Flight training. All fixed base operators conducting flight training activities shall provide:

(a) At least one dual equipped single engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.

(b) Adequate classroom space for at least two (2) students with proper rest room and seating facilities.

(c) Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.

(d) Properly certificated ground school instructor providing regularly scheduled ground school instructions sufficient to enable students to pass the FAA written examinations for private pilot and commercial ratings.

(e) Continuing ability to meet certification requirements of the FAA for the flight training proposed.

(f) Public liability, property damage and other policies of insurance required by these minimum standards as hereinafter provided.

(4) Aircraft charter and taxi service. Fixed base operators engaging in aircraft charter and taxi service shall provide:

(a) Passenger lounge, rest room and telephone facilities as required of an operator for fuel and oil sales.

(b) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, handling of luggage.

(c) Certificated suitable aircraft with certificated and qualified operating crew, one of which shall be located at the airport and ready for departure during at least eight hours of daylight operation daily and at other times, stand-by units and crews available upon call within one hour's notice.

(d) In addition to the other insurance required by these minimum standards passenger liability insurance of at least seventy-five thousand dollars (\$75,000.00) per passenger seat and property damage liability of at least one hundred thousand dollars (\$100,000.00).

(5) Aircraft rental and sales. Fixed base operators engaging in aircraft rental and sales shall provide:

(a) Suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof.

(b) Hangar storage space for at least one aircraft to be used for sales or rental.

(c) For rental, at least two (2) airworthy aircraft suitably maintained and certified.

(d) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the airport for such service and repair.

(e) During at least eight hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.

(f) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.

(g) Current up-to-date specifications and price lists for types and models of new aircraft sold.

(h) Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.

(6) Crop dusting and spraying. Fixed base operators engaging in crop dusting or spraying of agricultural chemicals shall provide or obtain:

(a) EPA and airport manager approved facilities for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored within a minimum of one hundred feet from any other facility installations or paved area, including taxiways and runways, at the airport.

(b) Properly certificated aircraft suitably equipped for the agricultural operation undertaken.

(c) The written consent of the airport manager for the servicing of aircraft off paved runways and taxiways with adequate safeguards

against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas on the airport.

(7) Combination activities. A fixed base operator conducting a combination of the specific activities listed hereinabove shall not be required to duplicate the requirements of each individual activity but where the requirement of one activity is sufficient to meet the requirement of a separate activity, the one facility shall be sufficient to meet both requirements. (1978 Code, § 12-504, as replaced by Ord. #BB-501, Aug. 1999)

20-305. Special fixed base operator. A special fixed base operator shall be any individual, corporation, or firm which is authorized to engage in one or more of the services and activities listed above. Any special fixed base operator shall be strictly governed by the same minimum standards as to any activity engaged in or service performed as are applicable to a general fixed base operator at said airport. (1978 Code, § 12-505, as replaced by Ord. #BB-501, Aug. 1999)

20-306. Insurance. Prior to the commencement of any of the commercial operations referred to in these minimum standards at the airport and throughout the term of any lease or written agreement entered into between the city and the fixed base operator conducting such activities, all fixed base operators shall purchase and maintain such comprehensive general liability and other insurance as is appropriate for the activities conducted by fixed base operator and will provide protection from claims set forth below which may arise out of or result from the conducting of such activities by the fixed base operator under or pursuant to its contract with the city, and whether performed by the fixed base operator, by any subcontractor, by anyone directly or indirectly employed by either of them for the conducting of such activities, or by anyone for whose acts any of them may be liable:

(1) Claims under workers' or workmen's compensation, disability benefits and other similar employee benefit acts;

(2) Claims for damages because of bodily injury, occupational sickness or disease, or death of the fixed base operator's employees;

(3) Claims for damages because of bodily injury, sickness or disease, or death of any person other than the employees of the fixed base operator;

(4) Claims for damages insured by personal injury liability coverage which are sustained:

(a) By any person as a result of an offense directly or indirectly related to the employment of such person by the fixed base operator or

(b) By any other person for any other reason;

(5) Claims for damages because of injury to or destruction of tangible property wherever located, including loss of use resulting therefrom;

(6) Claims arising out of operation of laws or regulations for damages because of bodily injury or death of any person or for damage to property; and

(7) Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.

Each fixed base operator's general liability insurance shall also include coverage for the indemnification obligation to the city assumed in the fixed base operator's lease agreement with the city.

The insurance required hereby shall include the specific coverages and be written for not less than the following stated limits of liability and coverages or limits of liability and coverages required by law, whichever is greater:

Comprehensive General Liability

(a) Bodily injury (including completed operations and products liability) and property damage.

Combined single limit of \$1,000,000.00 each occupance and \$1,000,000.00 aggregate.

(b) Property damage liability insurance will provide explosion, collapse and underground coverage where applicable.

(c) Personal injury, with employment exclusion deleted: combined single limit of \$1,000,000.00 each occurrence and aggregate.

Comprehensive Automobile Liability

Combined single limit of \$500,000.00 each occurrence.

Workers' Compensation and Employers Liability

Statutory limits.

All of the policies of insurance so required to be purchased and maintained (or the certificates or other evidence thereof) shall contain a provision or endorsement that the coverage afforded will not be cancelled, materially changed or renewal refused until at least thirty days prior written notice has been given to the city by certified mail. All such insurance shall remain in effect until the expiration of the fixed base operator's lease agreement. (1978 Code, § 12-506, as replaced by Ord. #BB-501, Aug. 1999)

20-307. Maintenance/management agreement. Nothing herein contained shall be construed to limit the right of the city to enter into a contract and/or agreement with a general fixed base operator which is separate and distinct from his lease agreement, for the maintenance and overall supervision of the Dyersburg Municipal Airport and to designate such operator as the Manager of the Dyersburg Municipal Airport.

These minimum standards may be supplemented and amended from time to time in such manner and to such extent as the city, by and through its board of mayor and aldermen, deem proper. (1978 Code, § 12-507, as replaced by Ord. #BB-501, Aug. 1999)

20-308. Violations. Any person engaged in any commercial or other activity at the Dyersburg Municipal Airport not complying fully with the foregoing minimum standards applicable to such activity shall be guilty of a misdemeanor and shall be subject to maximum fine and sanctions under the general penalty clause of the Dyersburg Municipal Code. (1978 Code, § 12-508, as replaced by Ord. #BB-501, Aug. 1999)

CHAPTER 4

AIRPORT RULES AND REGULATIONS

SECTION

- 20-401. Applicable to all operations and uses.
- 20-402. Definitions.
- 20-403. Manager's authority.
- 20-404. Conditions for use of airport.
- 20-405. Motor vehicle regulations.
- 20-406. Aircraft operations regulations.
- 20-407. Rules for aircraft fueling operations.
- 20-408. Fire regulations.
- 20-409. Special airport uses.
- 20-410. Violations.

20-401. Applicable to all operations and uses. All operations at and use of the airport shall hereafter be conducted in accordance with the following rules and regulations which are hereby adopted and ordained as the Rules and Regulations of the Dyersburg Municipal Airport. (1978 Code, § 12-601)

20-402. Definitions. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

- (1) "Airport" shall mean the Dyersburg Municipal Airport.
- (2) "Airport manager" shall mean the independent contractor of the city having immediate charge of the airport.
- (3) "FAA" shall mean the Federal Aviation Administration.
- (4) "Owner" shall mean the City of Dyersburg, Tennessee.
- (5) "Person" shall mean an individual, partnership, firm, association or corporation. (1978 Code, § 12-602)

20-403. Manager's authority. The airport manager shall, at all times, have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the airport and its operations. In any contingencies not specifically covered by these rules and regulations, the airport manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper for the efficient and proper management of the airport. (1978 Code, § 12-603)

20-404. Conditions for use of airport. (1) The owner has the right to and does hereby regulate all commercial enterprises using the airport as a basis of operation, whether such operation is aeronautical or nonaeronautical in nature. No commercial operation of any kind or type shall be conducted on the

airport unless specifically authorized by the owner by written agreement with such operator.

(2) A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such aircraft. Such operation is not considered to be commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases, the owner will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth herein for commercial fixed base operators.

(3) The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided and adopted by the owner.

The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof, and he shall release, indemnify and hold harmless the owner, its elected officials and employees from any and all liability, loss and expense arising or resulting from such use, including the claims of third persons arising therefrom.

The privilege of using the airport for commercial purposes shall be upon the further condition that any person, persons, corporations, copartnership or others desiring to use the same, shall furnish a policy of indemnity against personal injury and property damage in a reasonable sum as the owner shall require.

(4) Any person violating any of these rules and regulations may be punished in accordance with these rules or at the discretion of the owner be deprived of the use of the airport facilities for such period as the owner and the airport manager deem appropriate.

(5) No person shall solicit funds for any purpose and no signs or advertisements may be posted at the airport without the written consent of the owner.

(6) Garbage, refuse and other waste material shall be placed in receptacles provided for such purpose and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, or other property on the airport. (1978 Code, § 12-604)

20-405. Motor vehicle regulations. (1) Unless authorized by the airport manager, no highway or automotive vehicle shall be operated on the airport except on roadways, parking areas or other areas, specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the airport manager as indicated by posted signs.

(2) No surface vehicle shall be permitted on the runways, taxiways, aprons, or ramps without the express permission of the airport manager unless

the operation of such vehicle is in accordance with prior agreement to accomplish a necessary airport purpose, service, or inspection.

(3) No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading.

(4) No person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed limits. All aircraft have right-of-way over all surface vehicles.

(5) All vehicles operating within the landing area shall be painted a bright yellow or international orange, or shall display an international orange and white checkered flag of not less than three feet square, with one-foot squares.

(6) Every accident involving injury or property damage shall be reported immediately to the airport manager. (1978 Code, § 12-605)

20-406. Aircraft operations regulations. (1) The FAA air traffic rules and regulations governing the operation of aircraft in effect as of this date, as well as all amendments thereto, are made a part of these airport rules and regulations as fully as if set forth herein.

(2) Aircraft shall not be parked or taxied between the gasoline pumps and the flight operations area.

(3) Aircraft engines shall be started and run up only in the places designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.

(4) No aircraft shall be parked or stored at the airport except in the areas designated for such use.

(5) The performance of aircraft and engine repair and maintenance is considered to be an aeronautical service regulated by the owner except where such services or repairs are performed by the aircraft owner or his employees. The owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the owner may prohibit the performance of such services in the down areas and prescribe rules for the use of such owner type aircraft maintenance areas.

(6) At the direction of the airport manager, the operator, owner, or pilot of any illegally parked aircraft on the airport shall move the aircraft to a legally designated parking area on the airport. If the operator refuses to comply with the directions, the owner, through the airport manager, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.

(7) In the event of an accident, the owner, through the airport manager, may in compliance with FAA and other governmental move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the aircraft owner and without liability for damage resulting from such moving.

(8) The pilot of an aircraft involved in an accident on or near the airport causing personal injury or property damage, shall immediately report to the airport manager. In the event he is unable to do so, the aircraft owner or his agent shall such report.

(9) Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.

(10) The airport manager shall have the authority to detain any aircraft for non-payment of any charges due.

(11) No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.

(12) Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.

(13) All takeoffs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas.

(14) No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by airport attendants shall be permitted to enter the landing area property, taxi space, or aprons. However, no person or persons so excepted so be entitled to the unrestricted use of the airport. Persons so excepted shall be entitled to the necessary use of these spaces in connection with their flights, inspections, and routine duties. (1978 Code, § 12-606)

20-407. Rules for aircraft fueling operations. (1) No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area.

(2) During all fuel operations, the aircraft shall be grounded by the method approved by the airport manager.

(3) Smoking or lighting of an open flame shall be prohibited within fifty feet of any fueling operation.

(4) Fueling operations shall be conducted and fuel trucks shall be parked at least fifty feet from any hangar or building.

(5) No fuel storage and dispensing equipment shall be installed and used at the airport without the prior written approval of the owner. All such equipment shall be of a modern design and shall be kept in a safe and non-leaking condition. The use of skid tanks and other such devices is prohibited without the express written consent of the owner. (1978 Code, § 12-607)

20-408. Fire regulations. (1) Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty feet of an aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations.

(2) No person shall start an open fire any place on the airport without the written consent of the airport manager.

(3) No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire or building code in force for the City of Dyersburg. The storage of paint thinners, fuels or other such volatile materials in hangars is prohibited.

(4) Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment, and they shall be kept in good condition as recommended by the fire chief and inspected at least every twelve months by trained personnel.

(5) Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and unsightly objects. If, after warning by the airport manager, the area is not cleaned, cleaning will be performed by the airport manager and billed to the tenant or person. (1978 Code, § 12-608)

20-409. Special airport uses. (1) The owner obligates itself to operate the airport for the use and benefit of the public and to keep the airport open to the various types, kinds, and classes of aeronautical use for which the airport facility is designed and intended to serve.

(2) The owner has established these rules to be met by all users so as to provide for the safe and efficient use of the airport and to otherwise protect the safety of persons and property both on the ground and in the air.

(3) It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft whose weights are not in excess of the published strengths of the paved surfaces concerned. Operations on these surfaces of aircraft slightly in excess of the published pavement strengths may be permitted on an infrequent basis with the written consent of the owner.

(4) No operations involving nonpowered aircraft, including gliders, balloons, parachuting and other unusual and special classes of aeronautical activities, will be permitted on the airport without the prior written consent of the airport manager.

(5) Considering the owner's obligation to keep the airport open to the public for aeronautical purposes, the airport facilities will not be used for nonaviation events which would conflict with its aeronautical use.

(6) All ordinances or parts of ordinances in conflict herewith are repealed. (1978 Code, § 12-609)

20-410. Violations. Any person engaged in any activity at or use of the Dyersburg Municipal Airport not in conformance or compliance with the foregoing rules and regulations applicable to such activity shall be guilty of a misdemeanor and shall be subject to maximum fine and sanctions under the general penalty clause of the municipal code. (1978 Code, § 12-610)

CHAPTER 5

AIR POLLUTION

SECTION

20-501. Purpose.

20-502. Definitions.

20-503. Emission of dense smoke prohibited.

20-504. Emission of noxious gases, dust, fly ash, etc.

20-505. Persons liable.

20-501. Purpose. This chapter and the regulations and provisions set forth herein, have been made for the purpose of promoting the health, safety, and general welfare of the community. The board of mayor and aldermen declare that the problem of smoke, dust and air pollution in the City of Dyersburg, existing at the time of, and prior to the passage of these provisions, indicate that the present conditions are detrimental to the health, safety, and general welfare of the community, and these provisions are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which is public health, safety, and general welfare through the control and regulation of the causes of air pollution in the City of Dyersburg. (1978 Code, § 8-701)

20-502. Definitions. The following definitions cover the intended use of these words in this chapter:

(1) "Dust." Gas and air-borne particles larger than 1 micron in mean diameter.

(2) "Fuel-burning equipment." Any furnace, incinerator, refuse-burning equipment, boiler, apparatus, device, mechanism, stack, or structure used in the process of burning fuel or combustible material.

(3) "Fumes." Gases or vapors that are of such character as to create an unclean, destructive, offensive or unhealthful condition.

(4) "Open fire." Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

(5) "Person." Any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.

(6) "Ringelmann smoke chart." The Ringelmann Chart with instructions for use as published by the U. S. Bureau of Mines, 1945.

(7) "Smoke." Small gas-borne particles consisting essentially of carbonaceous material.

(8) "Soot." Agglomerated particles consisting essentially of carbonaceous material.

(9) "Stack or chimney." Flue, conduit, or opening arranged for emitting gases into the open air.

(10) "Volatile." The gaseous constituents of solid fuels as determined by the standard A. S. T. M. procedure amended or revised to date.

(11) "City." The City of Dyersburg, Dyer County, Tennessee. (1978 Code, § 8-702)

20-503. Emission of dense smoke prohibited. The emission of dense smoke from places as herein provided within the City of Dyersburg from the smoke stack, chimney or other similar device of any commercial establishment, business, manufacturer, or business enterprise, except for a period of or periods aggregating nine (9) minutes of Density No. 2 smoke as defined by the Ringelmann Chart, or six (6) minutes or less of a density in excess of Density No. 2 as defined by the Ringelmann Chart, in any one hour at the time when the fire box is being cleaned out or a new fire is being built therein, is prohibited and is declared to be a nuisance. For the purpose of judging the density of smoke, the Ringelmann Chart now published and used by the U. S. Bureau of Mines, which is hereby made a part of this chapter by reference, shall be the standard. Smoke shall be considered dense when equal to or of greater density than No. 2 on said chart. (1978 Code, § 8-703)

20-504. Emission of noxious gases, dust, fly ash, etc. No person, firm, or corporation shall cause, permit, or allow to escape from any smoke stack, chimney, or similar device a quantity of soot, cinders, or noxious gases which is equal to or greater in density than as defined by No. 2 of the Ringelmann Chart, for a period or periods aggregating six (6) minutes or more in any period of one hour.

No person, firm, or corporation, shall cause, permit, or allow to escape from any window, chute, or opening in any building connected with any business, soot, cinders, dust, or gases from any equipment in such building; or soot, cinders, dust, or gases from equipment not enclosed by a building, in such quantities as to constitute a nuisance. The visibility of soot, cinders, dust, or gases thus arising from unenclosed machinery or escaping from any window, chute, or opening in any building shall constitute sufficient evidence to establish the existence of a nuisance. All persons, firms, or corporations operating any business equipment within the corporate limits of the City of Dyersburg from which there escapes any soot, cinders, dust or gases, in such quantities as to be visible shall be guilty of creating a nuisance. They shall be required to maintain and operate, in conjunction with such equipment, recommended and approved means, methods, devices, or contrivances to reduce such discharge to a minimum as dictated by the development of the art of such collection devices, contrivances, means or methods and so as to eliminate the nuisance otherwise arising therefrom. (1978 Code, § 8-704)

20-505. Persons liable. All persons owning, operating, or being in charge or control of any business equipment or who shall cause, permit, or participate in any violation of this chapter either as proprietors, owners, lessees, tenants, managers, superintendents, constructors, installers, mechanics, repairmen, captains, janitors, engineers, firemen or otherwise shall be individually and collectively liable for any violation of this chapter. (1978 Code, § 8-705)

CHAPTER 6

FAIR HOUSING REGULATIONS

SECTION

- 20-601. Title.
- 20-602. Definitions.
- 20-603. Purposes of law, construction; effect.
- 20-604. Unlawful housing practices.
- 20-605. Blockbusting.
- 20-606. Exemptions from housing provisions.
- 20-607. Provisions for enforcement.
- 20-608. Findings of hearing board; nature of affirmative action.
- 20-609. Investigations, powers, records.
- 20-610. Conspiracy to violate this chapter unlawful.

20-601. Title. This chapter shall be known as may be cited as the City of Dyersburg "Fair Housing Ordinance." (1978 Code, § 4-701)

20-602. Definitions. Except where the context clearly indicated otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing board" means that body of citizens duly appointed by the city board to hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both complainant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, familial status or disability or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship, committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the city or county or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of other, for a fee, commission, salary or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (1978 Code, § 4-702, as amended by Ord. #514, Sept. 2000)

20-603. Purposes of law, construction; effect. (1) The general purposes of this chapter are:

(a) To provide for execution within the City of Dyersburg of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968 as amended.

(b) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, sex, familial status or disability; thereby to protect their interest in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

(2) Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin or sex. (1978 Code, § 4-703, as amended by Ord. #514, Sept. 2000)

20-604. Unlawful housing practices. It is unlawful practice for a real estate owner or operator or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, sex, familial status or disability;

(2) To discriminate against an individual because of his or her race, color, religion, national origin, sex, familial status or disability in the terms, conditions, or privileges of this sale, exchange, rental or lease of real property or in the furnishings of facilities or services in connection therewith;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his or her race, color, religion, national origin, sex, familial status or disability;

(4) To represent to an individual that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, sex, familial status or disability;

(5) To print, circulate, post, or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property which indicated, directly or indirectly, a limitation, specifications, or discrimination as to race, color, religion, national origin, sex, familial status or disability or an intent to make such a limitation, specification or discrimination;

(6) To offer, solicit, accept, use or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, sex, familial status or disability; or

(7) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, sex, familial status or disability. (1978 Code, § 4-704, as amended by Ord. #514, Sept. 2000)

20-605. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located; or

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in

the quality of schools in the block, neighborhood, or area in which the real property is located. (1978 Code, § 4-705)

20-606. Exemptions from housing provisions. Nothing in § 20-604 shall apply:

(1) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other if the owner or a member of his family resides in one of the housing accommodations.

(2) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(3) To a landlord who refuses to rent to an unmarried male-female couple.

(4) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, national origin, familial status or disability.

(5) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (1978 Code, § 4-706, as amended by Ord. #514, Sept. 2000)

20-607. Provisions for enforcement. The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$200 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1000.

The city may sue in a civil action through the general court of justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, conciliation efforts may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

The board of mayor and aldermen shall establish a hearing board which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties of a given charge of discrimination. Hearings by the board shall commence whenever the agent(s) acting on behalf of the city decided a conciliation failure has occurred and the respondent agrees to participate in the hearing board proceedings. Hearings open to the public may be initiated by the responding party at any time during the conciliation process. (1978 Code, § 4-707)

20-608. Findings of hearing board; nature of affirmative action.

If the hearing board determines that the respondent has not engaged in an unlawful practice, the board shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officers and persons as the board deems proper.

If the hearing board determines that the respondent has engaged in an unlawful practice, it shall state its findings of act and conclusions of law and shall negotiate such affirmative action as in its judgment will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers and persons as the board deems proper.

Affirmative action negotiated under this section may include, but not be limited to:

- (1) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and service of the respondent;
- (2) Reporting as to the manner of compliance;
- (3) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing board;
- (4) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual;
- (5) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expenses incurred by the complainant in obtaining alternative accommodation and for other costs actually incurred by the complainant as a direct result of such unlawful practice.

The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (1978 Code, § 4-708)

20-609. Investigations, powers, records. In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and documents relevant to the complaint and may request the right to examine, photograph and copy evidence.

Every person subject to this chapter shall make, keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the hearing board for an exemption from the application of the regulational order. If the board finds that the application of the regulation or order to the person in

question would impose an undue hardship, it may grant appropriate relief. (1978 Code, § 4-709)

20-610. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or

(2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder;

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing board, or any of its members or representatives in the lawful performance of duty under this chapter. (1978 Code, § 4-710)

CHAPTER 7

DEFECTIVE ALARM SYSTEMS AND INTENTIONAL FALSE ALARMS

SECTION

- 20-701. Declaration of purpose.
- 20-702. Definitions.
- 20-703. Alarm business client information.
- 20-704. Prohibition of defective alarm systems.
- 20-705. Determination of a defective alarm system.
- 20-706. Penalty of further false alarm after a determination of a defective alarm system.
- 20-707. Liability of the city.
- 20-708. Intentional commission of a false alarm prohibited.
- 20-709. Penalty for intentional commission of a false alarm.

20-701. Declaration of purpose. Society in general and the City of Dyersburg in particular, benefit from useful, usable and reliable private security alarm systems which provide for quick and efficient responses by police and fire departments. Valuable City of Dyersburg resources are wasted when responding to multiple false alarms which are created each year in the City of Dyersburg. The express purpose of this chapter is to:

- (1) Improve the efficiency of the City of Dyersburg's Police and Fire Departments; and
- (2) Reduce the number of false alarms by raising the public awareness and punishing continuing offenders. (as added by Ord. #BB-537, Feb. 2003)

20-702. Definitions. (1) "Alarm business" means the business of any individual, corporation or other business entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring of any alarm system.

(2) "Alarm system" means any mechanical, electrical or other assembly which is designed to record, view, monitor, protect against, avoid or reduce the probability of personal property loss or injury resulting from fire, smoke, heat, burglary, theft, shoplifting, pilferage or other losses of that type; monitor, detect or prevent intrusions; or detect and summon aid for other emergencies.

(3) "User" means any person and/or business entity which owns, or is in control of, an alarm system within the City of Dyersburg.

(4) "Defective alarm system" means an alarm system which creates a false alarm three (3) or more times within a one (1) year time period.

(5) "False alarm" means the unwarranted activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, lessee or his employees or agents or other

undetermined causes. Specifically excluded from this definition are false alarms caused by unusually violent conditions of nature (i.e., tornado, storm, lightning, etc.).

(6) "Fire chief" means the duly appointed Chief of the Dyersburg Fire Department or his designee.

(7) "Police chief" means the duly appointed Chief of the Dyersburg Police Department or his designee. (as added by Ord. #BB-537, Feb. 2003)

20-703. Alarm business client information. Upon a report of an activation of an alarm system (whether defective or otherwise), the alarm business, as agent for the user, upon making the report or upon a request (whether oral or written) from the fire chief or police chief (as defined above) shall provide the following information immediately:

- (1) Name of residence or business;
- (2) Address of residence or business (location of the alarm system);
- (3) Telephone number;
- (4) Name of responsible party (if different from subsection (1)).
- (5) Telephone number of responsible party (if different from subsection (3)). (as added by Ord. #BB-537, Feb. 2003)

20-704. Prohibition of defective alarm systems. The keeping or maintaining of a defective alarm system by any user in the City of Dyersburg shall be and is hereby prohibited and declared to be a violation of this chapter. (as added by Ord. #BB-537, Feb. 2003)

20-705. Determination of a defective alarm system. In the City of Dyersburg, Police Chief and Fire Chief, or either of them individually, or their designees, are authorized and empowered to determine whether a false alarm has occurred and whether a defective alarm system exists. Any alarm system which emits or causes a false alarm three (3) or more times during any one (1) year time period shall be considered a defective alarm system. Upon a determination that an alarm system is a defective alarm system, written notice of same shall be tendered by the city by first class United States mail, postage prepaid, to the user of the defective alarm system. Said notification shall inform the user of the city's determination and shall notify the user that further false alarms will result in the commencement of criminal charges. (as added by Ord. #BB-537, Feb. 2003)

20-706. Penalty of further false alarms after a determination of a defective alarm system. For each false alarm occurring while the alarm system is deemed a defective alarm system, the user shall be fined twenty-five dollars (\$25.00) failure to pay will result in the department's not answering the alarm. (as added by Ord. #BB-537, Feb. 2003)

20-707. Liability of the city. The City of Dyersburg will not be held liable for failure to respond to any alarm system, whether defective or otherwise. (as added by Ord. #BB-537, Feb. 2003)

20-708. Intentional commission of a false alarm prohibited. The intentional creation, causing or commission of a false alarm by any person on any alarm system in the City of Dyersburg with the intent of causing a response from the city's fire or police departments, under circumstances which do not reasonably warrant a response, shall be and is hereby prohibited and declared to be a violation of this chapter. (as added by Ord. #BB-537, Feb. 2003)

20-709. Penalty for intentional commission of a false alarm. Any person convicted of the intentional commission of a false alarm as prohibited in § 20-707 above, shall, upon conviction, be subject to the maximum fine provided for under the penalty clause of this code. (as added by Ord. #BB-537, Feb. 2003)

MINUTES OF THE MEETING
BOARD OF MAYOR AND ALDERMEN
April 7, 1998

The Board of Mayor and Aldermen for the City of Dyersburg met in regular session on Tuesday night April 7, 1998 in the Municipal Courtroom.

Mayor Bill Revell presided with all Aldermen present except Aldermen Lee and Moody.

The meeting was opened with the "Pledge of Allegiance to the Flag" followed by scripture and prayer led by Mayor Revell.

Minutes of the previous meeting were approved as submitted.

ADOPT MUNICIPAL CODE - ORDINANCE BB--470

This being the date set to consider adopting a new Municipal Code of Ordinances as prepared by the University of Tennessee Municipal Technical Advisory Service, and no one being present objecting the Board approved upon motion of Aldermen Kirk and Dean. City Attorney John Lannom introduced his associates Eric McLennan and Trent Hall. Mr. Lannom also explained the process for adopting the new municipal code.

HEIGHT OF STRUCTURES - AIRPORT - ORDINANCE BB-471

This being the date set to consider adopting an ordinance restricting the height of structures, within the city limits of Dyersburg, that fall within the flight path of the Dyersburg Municipal Airport, and no one present objecting, the Board approved upon motion of Aldermen Norman and McCright.

CLOSE ALLEY WEST TICKLE - ORDINANCE BB-472

This being the date set to consider an alley/^{closing}located near the 100 Block of West Tickle Street. Said alley runs north and south lying between Tickle and Parkview Streets more specifically described as that alley, found on City Tax Map 88K, lying east of parcels 25 and 501 and west of parcels 26, 27, and 502. With there being no one present objecting, the Board approved upon motion of Aldermen McCright and Kirk.

MEEKS STREET - REVERSE ONE WAY

Board held a public hearing to get citizen input from a proposal to reverse the "one way" traffic direction for the western section of Meeks Street. This section lies adjacent to Dyer County Central School which includes all the north-south leg of said street. With no one present objecting, the Board approved upon motion of Aldermen Guthrie and Dean.

COORDINATE ELECTIONS - PRIVATE ACT - ORDINANCE #BB-473

Board approved an ordinance that ratifies Private Chapter No. 116, House Bill No. 2937 of the Private Acts of 1998.

AN ACT to amend Chapter 410 of the Acts of 1903, as amended by Chapter 584 of the Private Acts of 1949, Chapter 157 of the Private Acts of 1967, Chapter 86 of the Private Acts of 1979, Chapter 364 of the Private Acts of 1982, Chapter 129 of the Private Acts of 1988, and any other acts amendatory thereto, relative to the Board of Mayor and Aldermen for the City of Dyersburg.

ORDINANCE NO. BB-470

ORDINANCE TO ADOPT A NEW MUNICIPAL CODE OF ORDINANCES

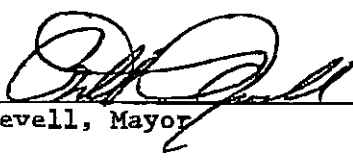
✓
WHEREAS, a public hearing was held by the Mayor and Aldermen of the City of Dyersburg, Tennessee, on April 7, 1998, in compliance with the Notice of Public Hearing published according to law in the Dyersburg State Gazette, a newspaper of general circulation in Dyersburg, Dyer County, Tennessee; and

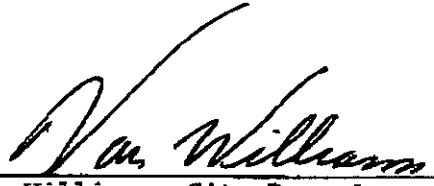
WHEREAS, no person has objected to the proposed action of adopting a new Municipal Code of Ordinances as prepared by the University of Tennessee Municipal Technical Advisory Service, and same is deemed necessary for the welfare of the citizens, residents and property owners located within the city limits of the City of Dyersburg as a whole; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF DYERSBURG, TENNESSEE, AS FOLLOWS:

The new Municipal Code of Ordinances dated March, 1998, as prepared by the University of Tennessee Municipal Technical Advisory Service is hereby adopted by the City of Dyersburg, Tennessee.

Passed April 7, 1998.



Bill Revell, Mayor

Van Williams, City Recorder