THE

HARRIMAN

MUNICIPAL

CODE

Prepared by the

MUNICIPAL TECHNICAL ADVISORY SERVICE INSTITUTE FOR PUBLIC SERVICE THE UNIVERSITY OF TENNESSEE

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

April 1997

CITY OF HARRIMAN, TENNESSEE

<u>MAYOR</u>

Wayne Best

VICE MAYOR

Tim Johnson

COUNCILMEMBERS

Brian Frost Buddy Holley Kenyon Mee Sam Russell Lonnie Wright

CITY CLERK

Theresa Beard

Preface

This code is the result of a comprehensive codification and revision of the ordinances of the City of Harriman, Tennessee.

The attention of the user is directed to the arrangement of the code 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 number is the title number followed by a hyphen, then the chapter number with the last two numbers showing the section number within the chapter, so that, 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 readily find all provisions in the code relating to any question that might arise.

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 for the code).

(2) That one copy of every ordinance adopted by the City is furnished to MTAS immediately after its adoption (see section 8 of the adopting ordinance).

(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).

Presently, 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. However, the way MTAS does municipal codes and code updates is under review; therefore, this procedure is subject to change in the near future.

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

> Sidney D. Hemsley Senior Legal Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

- 1. The style of ordinances shall be: "Be it enacted by the City Council of the City of Harriman." (Art. II, sec. 7)
- 2. All ordinances are required to be published within ten (10) days after passage, in some newspaper printed, and of general circulation, in the City of Harriman. Ordinances shall not be enforced until they are published. (Art. II, sec. 8)
- 3. No ordinance shall be passed except by bill. Every bill shall be read at least twice before a vote is taken on final passage. Three days must intervene between readings. No bill shall be considered until it has been reported on by committee unless by two-thirds vote of the members present, the city council dispenses with that requirement. (Art. II, sec. 9)
- 4. Ordinances may be reconsidered, revised and reenacted within certain limitations. (Art. II, secs. 10 and 11)
- 5. The mayor has veto power over bills (and certain resolutions and contracts). The mayor's veto can be overridden by a two-thirds vote of the entire membership of the city council. (Art. II, sec. 12)

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TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

- 1. CITY COUNCIL.
- 2. ADMINISTRATIVE REGULATIONS.
- 3. CITY COORDINATOR.

CHAPTER 1

<u>CITY COUNCIL²</u>

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Rules of order.

1-103. Deleted.

1-101. <u>Time and place of regular meetings</u>. The city council shall hold regular monthly meetings on the first and third Tuesday of each month at the municipal building. Regular monthly meetings shall begin at 6:00 P.M., unless otherwise designated by council from time to time. (Ord. 1048, as replaced by Ord. #1208-1, Jan. 2009, and Ord. #1216-01, Dec. 2016)

1-102. <u>Rules of order</u>. Unless otherwise specifically provided in the charter, this code, or rules adopted by resolution of the city council, the rules of order and parliamentary procedure contained in <u>Robert's Rules of Order, Newly</u>

¹Charter references

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, mayor and board of aldermen: Article II. Elections and appointments: Article III. Executive department: Article II. Official oaths, penalties and bonds: Article IV.

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

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<u>Revised</u>, shall govern and control conduct of all city council meetings. (Ord. 1048, as replaced by Ord. #1216-01, Dec. 2016)

1-103. <u>Deleted</u>. (Ord. 1048, as amended by Ord. 1050, and deleted by Ord. #1216-01, Dec. 2016, and Ord. #0217-02, Feb. 2017)

ADMINISTRATIVE REGULATIONS

SECTION

1-201. City seal.

1-202. Bonds required of certain personnel.

1-201. <u>City seal</u>. The seal provided and used by the city shall be of circular form with a double rope border enclosing the words "City of Harriman, Tennessee, Incorporated May 19th 1891." There shall be a ribbon, under the inner circle of the border at the top, bearing the words: "Prohibition, Peace, Prosperity." It shall have the device of a distant view of the Emory River and Gap; the Cincinnati Southern Railroad Bridge and Road; the ETV & G Railroad; a steamboat on the river; a view of the Rolling Mill; the Harriman Coal and Iron Railroad with a locomotive and three loaded cars; a pile of pig iron, ore, and coal in the foreground with a shovel and mining pick. The inscription at the bottom shall be the Latin motto: "Ex inntilli Utilitas." Such seal shall be two and three-eights inches in diameter. Such seal is hereby declared to be the common seal of the city. (1974 code, sec. 1-101)

1-202. <u>Bonds required of certain personnel.</u>¹ The city treasurer, city clerk, and such other positions as the city council may deem shall execute a good and sufficient bond payable to the city, before entering upon the discharge of their duties, in an amount as determined by the council. The city shall pay the cost of the bond.

Such bonds shall be signed by at least two (2) sureties, to be approved by the city council. They shall be conditioned for the faithful performance of the duties of the respective officers; for their paying over to their successors in office, or to the proper parties, all such sums of money belonging to the city as shall be in their hands, by virtue of such offices or otherwise; and for their accounting for and turning over to such successors or other proper persons all city property which may come into their hands.

The city council shall have the right at any time, by resolution, to require officers to give such security and bond as it shall deem expedient and for the best interest of the city. (1974 code, sec. 1-102, modified)

¹Charter reference Bonds: Article IV.

CITY COORDINATOR

SECTION

1-301. Qualifications.

1-302. Duties/responsibilities.

1-303. Appointed by city council.

1-301. <u>Qualifications</u>. The city coordinator shall the following qualifications:

(1) A bachelor's of science degree in business or related fields, with training in public administration and a minimum of two (2) years experience in local government administration

(2) An associate's degree in business or related fields, with training in public administration and a minimum of four (4) years experience in local government administration

(3) Training in public administration with more than four (4) years experience in local government administration may be considered in lieu of the above educational requirements. (as added by Ord. #05-03-A, May 2005)

1-302. <u>Duties/responsibilities</u>. The city coordinator shall have the following duties and responsibilities:

(1) <u>Informational</u>:

(a) The coordinator shall act as the informational conduit between the various departments or officers of the city and the city council and mayor.

(b) The coordinator shall act as the informational conduit between the city and the public.

(c) The coordinator shall act as the informational conduit between the city and other public entities, whether they be federal, state or local.

(2) <u>Operational</u>:

(a) The coordinator shall develop a working knowledge of each department or office of the city and shall schedule meetings in coordination with department heads or city officers for this purpose and to fulfill the informational responsibilities hereinabove provided.

(b) The coordinator shall be an ex-officio member of all the various committees of the city, shall render reports as required by said committees, and shall otherwise provide guidance and assistance to the various committees and department head of the city as is necessary warranted or required.

(c) The coordinator shall have input into the constitution of the agenda for city council meetings and shall coordinate with the various

committees, officers, department heads, city council members and mayor the information to be presented to the city council at its various meetings.

(d) The coordinator shall be responsible for developing all bid specifications for the various bids let by the city.

(e) The coordinator shall be responsible for all fixed asset control of the city, including, but not limited to: inventory, disposition and tracking.

(f) The coordinator shall be responsible for prioritizing department and officer budget requests and the preparation of the annual departmental budget requests and all subsequent amendment requests thereto.

(g) The coordinator, in coordination with the city treasurer, Shall be responsible for monitoring the expenses and income of the city in relation to the established budget and provide this information to the various committees, officers, department heads, city council members and mayor as is necessary, warranted or required.

(h) The coordinator shall have complete decision-making authority within the areas of his duties and responsibilities, and within such other areas as may lawfully be delegated to the coordinator by the city council and/or mayor; however, all such decision-making authority shall be subject to mayoral and/or city council review and change. (as added by Ord. #05-03-A, May 2005)

1-303. <u>Appointed by the city council</u>. The city coordinator shall be appointed by majority vote of the city council upon the recommendation of the mayor or a member or members of the city council. The city coordinator shall serve at the pleasure of the city council. (as added by Ord. #05-03-A, May 2005)

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

- 1. BOARD OF TRUSTEES FOR HARRIMAN HOSPITAL.
- 2. CARNEGIE LIBRARY OF HARRIMAN, TENNESSEE.
- 3. LIBRARY BOARD.
- 4. POLICE ADVISORY BOARD.
- 5. FIRE ADVISORY COMMISSION.
- 6. PUBLIC WORKS ADVISORY COMMISSION.

CHAPTER 1

BOARD OF TRUSTEES FOR HARRIMAN HOSPITAL

SECTION

- 2-101. Creation and purpose.
- 2-102. Membership.
- 2-103. Organization; election of officers; compensation.
- 2-104. Qualifications of certain members.
- 2-105. Terms of office.
- 2-106. Removal from office.
- 2-107. Powers generally.
- 2-108. Title to property acquired.
- 2-109. Conduct and maintenance of hospital to be nonpolitical, etc.
- 2-110. Rules and regulations.
- 2-111. Quarterly reports.
- 2-112. Dissolution of Harriman Hospital Association.
- 2-113. Negotiation of sale of assets managed by Harriman Hospital Association.
- 2-114. Tax exempt status.

2-101. <u>Creation and purpose</u>. A board of seven (7) trustees, or agents, all residents of Roane County, Tennessee, are hereby created and designated and known as the "Harriman Hospital Association" to act for the city for the purpose of constructing and maintaining a hospital in the city. (1974 code, sec. 1-801)

2-102. <u>Membership</u>. The board of trustees created by the preceding section shall be elected by the city council of the city.

¹Municipal code reference

Creation and establishment of city tree board: § 13-502.

One (1) member of the board of trustees shall be nominated by the county executive of Roane County and confirmed by the city council. At the expiration of the term of office of the trustee so nominated, his successor shall be nominated by the county judge so that at all times one (1) member of the board of trustees shall have been selected by the county executive. One (1) of the trustees shall be nominated by the mayor of the city and confirmed by the city council. This trustee must be a member of the city council at all times and should he cease to be a member of the city council after his election as trustee, his term of office as trustee shall automatically expire at the same time he ceases to be a member of the council, and the mayor shall nominate his successor, who shall be a member of the city council, it being the intention that at least one (1) of the trustees shall at all times also be a member of the city council. The other five (5) trustees shall be elected by the city council of the city. All seven (7) members of the board of trustees shall be elected by the city council after the passage of these provisions and thereafter at the respective times as their terms of office expire. (1974 code, sec. 1-802, modified)

2-103. <u>Organization; election of officers; compensation</u>. The board of trustees shall organize within ten (10) days after their election and shall elect the following officers: A chairman or president, a vice-president, a secretary, and a treasurer, all of whom shall serve without compensation. (1974 code, sec. 1-803)

2-104. <u>Qualifications of certain members</u>. At least two (2) of the members of the board of trustees shall be well-known full time medical practitioners of the city, and one (1) or more of such trustees shall be a member of the city council at the time of election. (1974 code, sec. 1-804, modified)

2-105. <u>Terms of office</u>. Two (2) members of the board of trustees shall be elected for the term of two (2) years, two (2) for the term of four (4) years, two (2) for the term of six (6) years, and one (1) for the term of seven (7) years. At the end of the respective terms, new trustees shall be elected for terms of seven (7) years. (1974 code, sec. 1-805)

2-106. <u>Removal from office</u>. All of the members of the board of trustees, after the first election, shall hold office for seven (7) years, as provided by the preceding section, or during good behavior and until his successor is elected, but may be removed for cause, after a reasonable notice, by a two-thirds vote of the city council of the city. (1974 code, sec. 1-806)

2-107. <u>Powers generally</u>. The board of trustees is hereby vested and clothed with full authority to carry out the purpose for which such board is elected, including the right to hire or employ any necessary agents, employees, representatives, or servants. (1974 code, sec. 1-807)

2-108. <u>Title to property acquired</u>. Title to all property acquired by the Harriman Hospital Association shall be taken and vested in the city as the property of the municipality but the control and management of such hospital is vested in the Harriman Hospital Association. (1974 code, sec. 1-808)

2-109. <u>Conduct and maintenance of hospital to be nonpolitical, etc</u>. The conduct and maintenance of the Harriman Hospital shall be at all times nonpolitical and independent of any religious sect or organization. (1974 code, sec. 1-809)

2-110. <u>Rules and regulations</u>. The board of trustees shall have authority to draft suitable rules and regulations not inconsistent with this chapter as may be necessary and proper for the carrying out of the objects of the Harriman Hospital Association. (1974 code, sec. 1-810)

2-111. <u>Quarterly reports</u>. The board of trustees shall from time to time make quarterly reports in writing to the city council of the city. (1974 code, sec. 1-811)

2-112. <u>Dissolution of Harriman Hospital Association</u>. The Harriman Hospital Association is hereby dissolved and abolished effective June 30, 1999 at midnight or when any and all business to which it is required to attend to shall have been completed, whichever comes last. (as added by Ord. #98-0011, March 1999)

2-113. <u>Negotiation of sale of assets managed by Harriman Hospital</u> <u>Association</u>. The City of Harriman, in accordance with the provisions of § 2-114 of the Harriman Municipal Code, and upon the creation of a private not-forprofit corporation established for the purpose of controlling and managing the physical plant and assets known as the Roane Medical Center, and all other related assets and liabilities presently owned by the City of Harriman and controlled and managed by the Harriman Hospital Association, shall negotiate and may contract with said private not-for-profit corporation the lease and/or purchase of all such assets and payment of liabilities. (as added by Ord. #98-0011, March 1999)

2-114. Tax exempt status. Notwithstanding any other provision in this ordinance, The Harriman Hospital Association is organized and operated exclusively for such purposes as are set forth in section 501(c)(3) of the Internal Revenue Code of 1954 or any other future corresponding provision. In the event of dissolution of the Harriman Hospital Association, the residual assets of the association will be distributed to one or more organizations exempt under section 501(c)(3) of the Internal Revenue Code of 1954, to the federal, state, or

local government for exclusively public purposes. (Ord. 814, as amended by Ord. #98-0011, March 1999)

CARNEGIE LIBRARY OF HARRIMAN, TENNESSEE

SECTION

2-201. Establishment and maintenance.

2-201. <u>Establishment and maintenance</u>. A free public library and reading rooms for the use and benefit of the inhabitants of the city is hereby established in accordance with Chapter 105 of the Acts of the Legislature of Tennessee of 1897, and the amendments thereto.

The library and reading rooms shall be known and designated as the "Carnegie Library of Harriman, Tennessee."

The offer of Andrew Carnegie to donate or give the sum of ten thousand dollars (\$10,000) to aid in establishing a free public library and reading rooms in the city on condition that the city council appropriate annually the sum of one thousand dollars (\$1,000) for the maintenance of such library is hereby accepted.

The city council of the city, in consideration of the gift of ten thousand dollars (\$10,000) from Andrew Carnegie, hereby agrees that the city council, in its annual appropriation ordinance, shall hereafter appropriate and reserve a sum of not less than one thousand dollars (\$1,000) annually for the maintenance of the free public library and reading rooms, such appropriation to be exclusively used for the support and maintenance of the free public library and reading rooms. (1974 code, sec. 1-701)

LIBRARY BOARD

SECTION

- 2-301. Created, membership, terms, vacancies.
- 2-302. Organization, by-laws, rules and regulations.
- 2-303. Function.
- 2-304. Power to appoint personnel.
- 2-305. Reports to the city council.

2-301. <u>Created, membership, terms, vacancies</u>. There is hereby established a library board. This board shall consist of five (5) persons serving without pay who shall be appointed by the city council. The board shall be composed of an alderman and six (6) citizens. Five (5) of the citizens shall be residents of the city. The other citizen shall be one (1) resident of the County of Roane, but shall reside within an area which is not further than three (3) miles from the municipal boundaries of the city. Not more than five (5) of said members shall be of the same sex. The terms of office for the six (6) citizens shall be on staggered terms with the first board being composed of two (2) citizens appointed for a one (1) year term, two (2) citizens appointed for two (2) year terms, and two (2) citizens appointed for three (3) year terms, and their successors for three (3) year terms. Vacancies in such board occurring otherwise than by expiration of their term shall be filled by the mayor for the unexpired term.

2-302. <u>Organization, by-laws, rules and regulations</u>. Immediately after their appointment, they shall meet and organize by electing one of their members as president and such other officers as may be necessary. The board shall have the power to adopt by-laws, rules and regulations, for the proper organization of the public library for the city.

2-303. <u>Function</u>. The library board shall provide, conduct and supervise the public library and other related facilities and activities on any of the properties owned or controlled by the city or on other properties with the consent of the owners and authorities thereof. It shall provide the state library agencies such statistics and information as may be required from time to time.

2-304. <u>Power to appoint personnel</u>. The library board shall have the power to appoint or designate someone to act as librarian who is trained and properly qualified for the work and such other personnel as the board deems proper.

2-305. <u>Reports to the city council</u>. The library board shall make full and complete annual reports to the city council of the city and all other reports from time to time as requested.

POLICE ADVISORY BOARD

SECTION

2-401. Objective.

2-402. Membership.

2-403. Commission meetings.

2-404. Conflict of interest.

2-405. Limits of authority.

2-401. <u>Objective</u>. The commission shall collaborate with the leadership of the Harriman Police Department and the city manager by providing community prospective on department initiatives, including review of various performance measures, officer training, development of service offerings, and community policing efforts. Furthermore, the commission is to be a mechanism for both the Harriman Police Department and members of the community to be heard with a goal of deepening the understanding of the complexities of modern policing in the pursuit of community safety. This deeper understanding of policing in general should also help facilitate action on issues coming before the council as a whole, as a subset of Council has already studied an issue in detail. (as added by Ord. #1118-01, Nov. 2018)

2-402. <u>Membership</u>. The Harriman Police Advisory Commission shall consist of two (2) city councilmembers appointed by the mayor with the consent of the city council. Each member will serve a two (2) year term, which expires upon the election of a new council following each city election. At least one (1) of the two (2) members appointed to the commission should have served at least one (1) year on the city council prior to appointment. The mayor and city manager are ex-officio members of the commission. (as added by Ord. #1118-01, Nov. 2018)

2-403. <u>Commission meetings</u>. The members of the police advisory commission shall determine when and how often the commission should meet, provided that the commission meet at least once a year. (as added by Ord. #1118-01, Nov. 2018)

2-404. <u>Conflict of interest</u>. In making appointments to the various commissions, the mayor should consider any potential conflict of interests among the membership and avoid an appointment that would create such a conflict. If the mayor makes such a recommendation and the appointee is aware of a personal conflict, they should advise the mayor of the conflict. If circumstances change for a member already serving on the commission which

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would create a conflict of interest, they should advise the mayor and a replacement should be appointed to the commission. The city's code of ethics and applicable state statutes should serve as a guide with regards to potential conflicts of interest, but do not necessarily cover all potential conflicts. (as added by Ord. #1118-01, Nov. 2018)

2-405. <u>Limits of authority</u>. No actions of the Harriman Police Advisory Commission members acting individually or jointly as a commission are intended to usurp the duties and responsibilities of the city manager and the police chief. Authority for the specific direction and assignment of the Harriman Police Department is specifically reserved to the police chief and the city manager with the commission's role being to advise and/or make recommendations to these two (2) individuals, or to the mayor and council as a whole, when appropriate. (as added by Ord. #1118-01, Nov. 2018)

FIRE ADVISORY COMMISSION

SECTION

2-501. Objective.

2-502. Membership.

2-503. Commission meetings.

2-504. Conflict of interest.

2-505. Limits of authority.

2-501. <u>Objective</u>. The commission shall collaborate with the leadership of the Harriman Fire Department and the city manager by providing community prospective on department initiatives, including review of various performance measures, officer training, development of service offerings, and community fire safety efforts. Furthermore, the commission is to be a mechanism for both the Harriman Fire Department and members of the community to be heard with a goal of deepening the understanding of the complexities of modern firefighting and fire safety practices in the pursuit of community safety. This deeper understanding of the fire service in general should also help facilitate action on issues coming before the council as a whole, as a subset of council has already studied an issue in detail. (as added by Ord. #1118-02, Nov. 2018)

2-502. <u>Membership</u>. The Harriman Fire Advisory Commission shall consist of two (2) city councilmembers appointed by the mayor with the consent of the city council. Each member will serve a two (2) year term, which expires upon the election of a new council following each city election. At least one (1) of the two (2) members appointed to the commission should have served at least one (1) year on the city council prior to appointment. The mayor and city manager are ex-officio members of the commission. (as added by Ord. #1118-02, Nov. 2018)

2-503. <u>Commission meetings</u>. The members of the fire advisory commission shall determine when and how often the commission should meet, provided that the commission meet at least once a year. (as added by Ord. #1118-02, Nov. 2018)

2-504. <u>Conflict of interest</u>. In making appointments to the various commissions, the mayor should consider any potential conflict of interests among the membership and avoid an appointment that would create such a conflict. If the mayor makes such a recommendation and the appointee is aware of a personal conflict, they should advise the mayor of the conflict. If circumstances change for a member already serving on the commission which would create a conflict of interest, they should advise the mayor and a

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replacement should be appointed to the commission. The city's code of ethics and applicable state statutes should serve as a guide with regards to potential conflicts of interest, but do not necessarily cover all potential conflicts. (as added by Ord. #1118-02, Nov. 2018)

2-505. <u>Limits of authority</u>. No actions of the Harriman Fire Advisory Commission members acting individually or jointly as a commission are intended to usurp the duties and responsibilities of the city manager and the fire chief. Authority for the specific direction and assignment of the Harriman Fire Department is specifically reserved to the fire chief and the city manager with the commission's role being to advise and/or make recommendations to these two (2) individuals, or to the mayor and council as a whole, when appropriate. (as added by Ord. #1118-02, Nov. 2018)

PUBLIC WORKS ADVISORY COMMISSION

SECTION

2-601. Objective.

- 2-602. Membership.
- 2-603. Commission meetings.

2-604. Conflict of interest.

2-605. Limits of authority.

2-601. <u>Objective</u>. The commission shall collaborate with the leadership of the Harriman Public Works Department and the city manager by providing community prospective on department initiatives, including review of various performance measures, employee training, development of service offerings, and equipment needs as it relates to the level of services provided. Furthermore, the commission is to be a mechanism for both the Harriman Public Works Department and members of the community to be heard with a goal of deepening the understanding of the complexities encountered by the department in carrying out its duties under various federal, state, and local regulations. This deeper understanding of the scope of their work in general should also help facilitate action on issues coming before the council as a whole, as a subset of council has already studied an issue in detail. (as added by Ord. #1118-04, Nov. 2018)

2-602. <u>Membership</u>. The Harriman Public Works Advisory Commission shall consist of two (2) city councilmembers appointed by the mayor with the consent of the city council. Each member will serve a two (2) year term, which expires upon the election of a new council following each city election. At least one (1) of the two (2) members appointed to the commission should have served at least one (1) year on the city council prior to appointment. The mayor and city manager are ex-officio members of the commission. (as added by Ord. #1118-04, Nov. 2018)

2-603. <u>Commission meetings</u>. The members of the public works advisory commission shall determine when and how often the commission should meet, provided that the commission meet at least once a year. (as added by Ord. #1118-04, Nov. 2018)

2-604. <u>Conflict of interest</u>. In making appointments to the various commissions, the mayor should consider any potential conflict of interests among the membership and avoid an appointment that would create such a conflict. If the mayor makes such a recommendation and the appointee is aware of a personal conflict, they should advise the mayor of the conflict. If

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circumstances change for a member already serving on the commission which would create a conflict of interest, they should advise the mayor and a replacement should be appointed to the commission. The city's code of ethics and applicable state statutes should serve as a guide with regards to potential conflicts of interest, but do not necessarily cover all potential conflicts. (as added

by Ord. #1118-04, Nov. 2018)

2-605. <u>Limits of authority</u>. No actions of the Harriman Public Works Advisory Commission members acting individually or jointly as a commission are intended to usurp the duties and responsibilities of the city manager and the public works director. Authority for the specific direction and assignment of the Harriman Public Works Department is specifically reserved to the public works director and the city manager with the commission's role being to advise and/or make recommendations to these two (2) individuals, or to the mayor and council as a whole, when appropriate. (as added by Ord. #1118-04, Nov. 2018)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. CITY JUDGE.

- 2. COURT ADMINISTRATION.
- 3. WARRANTS, SUMMONSES AND SUBPOENAS.
- 4. BONDS AND APPEALS.

CHAPTER 1

CITY JUDGE

SECTION 3-101. Appointment.

3-101. <u>Appointment</u>. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. The city judge shall be provided with an office in the municipal building. (1974 code, sec. 1-801)

COURT ADMINISTRATION

SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines, penalties, and costs.
- 3-203. Disposition and report of fines, penalties, and costs.
- 3-204. Disturbance of proceedings.

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

3-202. <u>Imposition of fines, penalties, and costs</u>. (1) <u>Court costs</u>. In all cases heard and determined by him or her, the city judge shall impose court costs in the amount of one hundred twenty-two dollars and fifty cents (\$122.50). As required by the State of Tennessee, one dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.

(2) <u>Litigation tax</u>. In addition to the court costs stated above, the court shall levy a local litigation tax in the amount of thirteen dollars and seventy five cents (\$13.75) in all cases in which the state litigation tax of thirteen dollars and seventy five cents (\$13.75) is also levied.

(3) <u>Severability</u>. Any ordinance or section of the municipal code previously adopted by the City of Harriman setting court costs and/or local litigation tax amounts shall be void upon passage of this ordinance. Furthermore, if any portion of this ordinance is declared invalid, other portions that can be given effect without the invalid portion shall remain in effect, and to that end the provisions of this ordinance are declared severable.

(4) <u>Fines</u>. Costs, taxes, and fees established by this ordinance do not include fines for the cited violation(s), which are in addition to these costs, taxes, and fees which are determined separately by the city judge in accordance with the laws of the State of Tennessee and the City of Harriman Municipal Code. (as replaced by Ord. #0918-01, Oct. 2018)

3-203. <u>Disposition and report of fines, penalties, and costs</u>. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the

collection or noncollection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year.

3-204. <u>Disturbance of proceedings</u>. 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.

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

- 3-301. Issuance of arrest warrants.
- 3-302. Issuance of summonses.
- 3-303. Issuance of subpoenas.

3-301. <u>Issuance of arrest warrants</u>.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances.

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

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

¹State law reference

For authority to issue arrest warrants see <u>Tennessee Code Annotated</u>, title 40, chapter 6.

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. <u>Appearance bonds authorized</u>. 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, or in the absence of the city court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs.

3-402. <u>Appeals</u>. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days¹ next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.

3-403. <u>Bond amounts, conditions, and forms</u>. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in such sum as the city judge shall prescribe, not to exceed the sum of five hundred dollars (\$500.00), and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable.

¹State law reference <u>Tennessee Code Annotated</u>, section 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

- 1. SOCIAL SECURITY.
- 2. PERSONNEL RULES AND REGULATIONS.
- 3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
- 4. CODE OF ETHICS.

CHAPTER 1

SOCIAL SECURITY

SECTION

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

4-101. <u>Policy and purpose as to coverage</u>. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1974 code, sec. 1-301)

4-102. <u>Necessary agreements to be executed</u>. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1974 code, sec. 1-302)

4-103. <u>Withholdings from salaries or wages</u>. 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,

Limitation on number of municipal employees: section 1-202.

¹Municipal code reference

and shall be paid over to the state or federal agency designated by said laws or regulations. (1974 code, sec. 1-303)

4-104. <u>Appropriations for employer's contributions</u>. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1974 code, sec. 1-304)

4-105. <u>Records and reports</u>. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1974 code, sec. 1-305)

4-106. <u>Exemptions from coverage</u>. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1974 code, sec. 1-306)

PERSONNEL RULES AND REGULATIONS¹

SECTION

4-201. Personnel rules and regulations.

4-202--4-218. Deleted.

4-201. <u>Personnel rules and regulations</u>.² The document styled "Personnel Rules and Regulations-City of Harriman" as modified by the University of Tennessee Municipal Technical Advisory Service on January 3, 2017, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the "Personnel Rules and Regulations." A copy of this policy shall be available to the general public and all employees of the city at the municipal office, and each department head of the city, excluding the Harriman Utility Board, shall be given one (1) copy each of said policy, which copy shall be made available to each covered employee, and otherwise as required by said policy. (1974 Code, § 1-103, as replaced by Ord. #98-0008, July 1998, Ord. #99-02, April 1999, Ord. #1011-01, Oct. 2011, and Ord. #0317-01, March 2017)

4-202--4-218. <u>Deleted</u>. (as repealed by Ord. #98-0008, July 1998, and deleted by Ord. #0317-01, March 2017)

Elections, and appointments: Article III. Executive department: Article II. Official oaths, penalties and bonds: Article IV.

²The "Personnel Rules and Regulations--City of Harriman" policy and any amendments thereto are of record in the office of the recorder.

¹Charter references

OCCUPATIONAL SAFETY AND HEALTH PROGRAM¹

SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program plan.

4-301. <u>Title</u>. This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Harriman. (as replaced by Ord. #0413-01, April 2013, and Ord. #1121-01, Nov. 2021)

4-302. <u>Purpose</u>. The City of Harriman in electing to update the established program plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan 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 the 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) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the 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 Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

¹Municipal code reference

Emergency services responders: title 20, ch. 2.

(5) Consult with the 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 plan, 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 plan. (as replaced by Ord. #0413-01, April 2013, and Ord. #1121-01, Nov. 2021)

4-303. <u>Coverage</u>. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Harriman shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (as replaced by Ord. #0413-01, April 2013, and Ord. #1121-01, Nov. 2021)

4-304. <u>Standards authorized</u>. The Occupational Safety and Health standards adopted by the City of Harriman 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 (<u>Tennessee Code Annotated</u>, title 50, chapter 3). (as replaced by Ord. #0413-01, April 2013, and Ord. #1121-01, Nov. 2021)

4-305. <u>Variances from standards authorized</u>. Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may 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 and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEAL TH STANDARDS, CHAPTER 0800-01-02, as authorized by <u>Tennessee Code Annotated</u>, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our 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 shall be deemed sufficient notice to employees. (as added by Ord. #0413-01, April 2013, and replaced by Ord. #1121-01, Nov. 2021)

4-306. <u>Administration</u>. For the purposes of this chapter, building official is designated as the safety director of occupational safety and health to perform

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duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health. SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by <u>Tennessee Code Annotated</u>, title 50. (as added by Ord. #0413-01, April 2013, and replaced by Ord. #1121-01, Nov. 2021)

4-307. <u>Funding the program plan</u>. Sufficient funds for administering and staffing the program plan pursuant to this ordinance shall be made available as authorized by the City of Harriman. (as added by Ord. #0413-01, April 2013, and replaced by Ord. #1121-01, Nov. 2021)

<u>CODE OF ETHICS¹</u>

SECTION

- 4-401. Applicability.
- 4-402. Definition of "personal interest."
- 4-403. Disclosure of personal interest by official with vote.
- 4-404. Disclosure of personal interest in non-voting matters.
- 4-405. Acceptance of gratuities, etc.
- 4-406. Use of information.
- 4-407. Use of municipal time, facilities, etc.
- 4-408. Use of position or authority.
- 4-409. Outside employment.
- 4-410. Ethics complaints.
- 4-411. Violations.

4-401. <u>Applicability</u>. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed

Campaign finance: <u>Tennessee Code Annotated</u>, title 2, ch. 10.

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

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

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

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

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

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

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

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. #06-08-01, Aug. 2006)

4-402. <u>Definition of "personal interest</u>." 1. For purposes of §§ 4-403 and 4-404, "personal interest" means:

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

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

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

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

3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #06-08-01, Aug. 2006)

4-403. <u>Disclosure of personal interest by official with vote</u>. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure. (as added by Ord. #06-08-01, Aug. 2006)

4-404. <u>Disclosure of personal interest in non-voting matters</u>. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or

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

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policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #06-08-01, Aug. 2006)

4-405. <u>Acceptance of gratuities, etc</u>. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #06-08-01, Aug. 2006)

4-406. <u>Use of information</u>. 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. #06-08-01, Aug. 2006)

4-407. <u>Use of municipal time, facilities, etc.</u> (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. #06-08-01, Aug. 2006)

4-408. <u>Use of position or authority.</u> 1. An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

2. An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #06-08-01, Aug. 2006)

4-409. <u>Outside employment</u>. 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. #06-08-01, Aug. 2006)

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4-410. <u>Ethics complaints</u>. 1. The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

b. The city attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #06-08-01, Aug. 2006)

4-411. <u>Violations</u>. 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. #06-08-01, Aug. 2006)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

- 1. REAL AND PERSONAL PROPERTY TAXES.
- 2. PRIVILEGE TAXES.
- 3. WHOLESALE BEER TAX.
- 4. HOTEL AND MOTEL OCCUPANCY TAX.
- 5. PURCHASING PROCEDURES.
- 6. MISCELLANEOUS.

CHAPTER 1

REAL AND PERSONAL PROPERTY TAXES

SECTION

- 5-101. When due and payable.
- 5-102. When delinquent--penalty and interest.

5-101. <u>When due and payable</u>.¹ Taxes levied by the city against real and personal property shall become due and payable annually on the first Monday in October of the year for which the taxes are assessed.² (1974 code, sec. 6-101, modified)

Article VI.

State law reference

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

²Charter reference

Article VI, section 3.

¹Charter references

Article I, section 6.

5-102. <u>When delinquent--penalty and interest</u>.¹ All real property taxes shall become delinquent on and after the first Tuesday of February next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the city charter for delinquent taxes.² (1974 code, sec. 6-102)

²Charter reference Article VI, section 3.

¹State law reference

<u>Tennessee Code Annotated</u>, section 67-1-801(c) 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.

PRIVILEGE TAXES

SECTION 5-201. Tax levied. 5-202. License required.

5-201. <u>Tax levied</u>. 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" (<u>Tennessee Code Annotated</u>, title 67, chapter 58) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1974 code, sec. 6-301)

5-202. <u>License required</u>. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the clerk to each applicant therefor upon the applicant's payment of the appropriate privilege tax. (1974 code, sec. 6-302)

WHOLESALE BEER TAX

SECTION 5-301. To be collected.

5-301. To be collected. The city treasurer 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 <u>Tennessee Code Annotated</u>, title 57, chapter $6.^1$ (1974 code, sec. 6-401)

¹State law reference

<u>Tennessee Code Annotated</u>, 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.

HOTEL AND MOTEL OCCUPANCY TAX

SECTION

5-401. Definitions.

5-402. Tax levied.

5-403. Billings, refunds and credits.

5-404. Remittance and timing.

5-405. Report required.

5-406. Tax not to be absorbed.

5-407. Delinquency and penalties.

5-408. Preservation of records.

5-409. Treasurer's powers.

5-410. Proceeds to be placed in general fund.

5-411. Use of taxes collected.

5-412. Compliance with state law.

5-413. Adoption of rules and regulations.

5-401. <u>Definitions</u>. As used in this chapter unless the context otherwise requires:

(1) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever; provided, however, nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person;

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;

(3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel;

(4) "Operator" means the person operating the hotel whether as owner, lessee or otherwise;

(5) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit;

(6) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days. (Ord. 1044)

5-402. <u>Tax levied</u>. There is hereby levied a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of seven percent (7%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this chapter. (Ord. 1044, as amended by Ord. #0213-01, Feb. 2013)

5-403. <u>Billings, refunds and credits</u>. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the city.

When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to said person, and the operator shall receive credit for the amount of such tax if previously paid or reported to the City of Harriman. (Ord. 1044)

5-404. <u>Remittance and timing</u>. Tire tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the city to the treasurer, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city entitled to such tax shall be that of the operator. (Ord. 1044)

5-405. <u>Report required</u>. The treasurer shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the treasurer by the operator with such number of copies thereof as the treasurer may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the treasurer and approved by the city council prior to use. The treasurer shall audit each operator in the city at least once per year and shall report on the audits made on a quarterly basis to the city council. (Ord. 1044)

5-406. <u>Tax not to be absorbed</u>. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded. (Ord. 1044)

5-407. <u>Delinquency and penalties</u>. Taxes collected by an operator which are not remitted to the treasurer on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00). (Ord. 1044)

5-408. <u>Preservation of funds</u>. It is the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as said operator may have been liable for the collection of the payment to the city, which records the treasurer shall have the right to inspect at all reasonable times. (Ord. 1044)

5-409. <u>Treasurer's powers</u>. The treasurer in administering and enforcing the provisions of this chapter shall have as additional powers, those powers and duties with respect to collecting taxes as provided in <u>Tennessee Code Annotated</u>, title 67, or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in <u>Tennessee Code Annotated</u>, title 67, chapter 23, it being the intent of this chapter that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this chapter. The treasurer shall also possess those powers and duties as provided in <u>Tennessee Code Annotated</u>, § 67-1-707, for the county clerks with respect to the adjustment and refunds of such tax.

With respect to the adjustment and settlement with taxpayers all errors of taxes collected by the treasurer under authority of this chapter shall be refunded by the city. The treasurer shall have the authority to direct the refunding of same. Notice of any tax paid under protest shall be given to the treasurer. The treasurer is hereby designated as the officer against whom suit may be brought for recovery of tax illegally assessed and collected. (Ord. 1044)

5-410. <u>Proceeds to be placed in general fund</u>. The treasurer is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the general fund for the City of Harriman. (Ord. 1044)

5-411. <u>Use of taxes collected</u>. The taxes collected hereunder shall be distributed by the city council, provided at least ten percent (10%) of the taxes collected shall be applied to promote tourism in the area. (Ord. 1044)

5-412. <u>Compliance with state law</u>. The tax levied pursuant to the provisions of this chapter shall only apply in accordance with the provisions of <u>Tennessee Code Annotated</u>, § 67-4-1425. (Ord. 1044)

5-413. <u>Adoption of rules and regulations</u>. The city council may adopt reasonable rules and regulations for the implementation of the provisions of this chapter by ordinance. (Ord. 1044)

PURCHASING PROCEDURES

SECTION

- 5-501. Purchases in excess of \$5,000.00--prior council approval.
- 5-502. Purchases, contracts for services, contracts for lease or rental equipment--competitive bids.
- 5-503. Purchasing procedure for estimated expenditure in excess of \$10,000.00.
- 5-504. Procedure for purchases estimated to be more than \$1,500.00 but less than \$10,000.00.
- 5-505. Procedure for purchases of less than \$1,500.00.
- 5-506. Awarding open market bids.
- 5-507. Preservation of bids.
- 5-508. Procedure for opening bids.
- 5-509. Prohibition from purchasing from certain businesses.
- 5-510. Emergency purchases and non-mechanical repairs.
- 5-511. Mechanical repairs and routine maintenance excluded.
- 5-512. Local purchasing.

5-501. <u>Purchases in excess of \$5,000.00--prior council approval</u>. All intended purchases of supplies, materials, equipment, and contractual services in excess of five thousand dollars (\$5,000.00) shall receive prior approval by a majority of the city council. Prior to council approval, the chief financial officer shall certify to council whether or not sufficient funds are available for the purchase. In the event that sufficient funds are not available, the chief financial officer shall advise council as to potential sources of funding in the event that council deems the purchase necessary. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-502. Purchases, contracts for services, contracts for lease or rental of equipment competitive bids. All purchases of supplies, materials, equipment, contractual services, and all contracts for the lease or rental of equipment, shall be based wherever possible on competitive bids or quotes; but contracts for legal services, auditing services by public accountants, and similar services by persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids need not be required for services for which the rate or price is fixed by public authority authorized by law to fix such rates or prices, when there is only one supplier for the product to be purchased, or when cooperative purchasing options are available through another governmental entity in which the city may participate as outlined by the State of Tennessee Municipal Purchasing Law. (Ord. 852, as replaced by Ord. #0217-01, Feb. 2017)

5-503. Purchasing procedure for estimated expenditure equal to or in excess of \$10,000.00. If the amount of expenditure is equal to or exceeds ten thousand dollars (\$10,000.00), sealed bids shall be solicited unless exempted elsewhere within this chapter. The city manager, chief financial officer, or city clerk shall solicit sealed bids by public notice inserted at least once in a newspaper of city-wide circulation or other newspapers when such is deemed necessary or desirable, at least ten (10) days prior to the final date for submitting bids. When necessary or desirable, staff may also solicit the sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased, method for obtaining a full set of bid specifications, and the time and place of bid opening.

Exceptions to advertising and sealed bidding:

(1) Any goods or services that may not be procured by competitive means because of the existence of a single source supplier or because of a proprietary product. A record of all such purchases must be kept by purchaser for the minimum amount of time required by record retention policies for municipalities within the State of Tennessee.

(2) Emergency purchases and non-mechanical repairs as described within this chapter.

(3) Purchases, leases, or lease-purchases of real property.

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

(5) Purchases made through another governmental unit or cooperative purchasing group that otherwise complies with Tennessee purchasing statutes.

(6) Other exemptions as outlined in <u>Tennessee Code Annotated</u>, including but not limited to, professional services and non-profit corporations whose purpose or one (1) of whose purposes is to provide goods and services specifically to municipalities. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-504. <u>Procedure for purchases estimated to be more than \$1,500.00, but</u> <u>less than \$10,000.00</u>. Prior to a purchase being made, all purchases of more than one thousand five hundred dollars (\$1,500.00), but less than ten thousand dollars (\$10,000.00) in amount shall have a purchase order requisition approved by the city manager followed by a purchase order being issued by the chief financial officer. Purchases may then be made in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive, non-sealed quotes. However, the purchaser or city manager may choose to take sealed bids in lieu of competitive non-sealed bids if it is deemed to be in the best interests of the city to do so. Requisitions for items estimated to cost more than ten thousand dollars (\$10,000.00) shall not be subdivided to circumvent requirement for sealed bids as herein required. This limit shall apply to all like items to be purchased within a single fiscal year and to a grouping of similar items to be supplied by a single supplier through one (1) purchase. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-505. <u>Procedure for purchases of less than \$1,500.00</u>. All purchases of less than one thousand five hundred dollars (\$1,500.00) in amount may be made by the head of the department when budget funds are available, in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive quotes from prospective suppliers. Requisitions for items estimated to cost more than one thousand five hundred dollars (\$1,500.00) shall not be subdivided in order to circumvent the authority of the city manager, chief financial officer, city council, or the requirement for sealed bids. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-506. <u>Awarding open market bids</u>. All open market purchases shall be awarded to the lowest and best bidder, taking into consideration the quality of the articles to be supplied, their conformity with specifications, their suitability of the requirements of the city government, the product or bidders adherence to proper licensing standards, and any delivery terms. Any, and all, bids or quotes may be rejected for good cause. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-507. <u>Preservation of bids</u>. All bids taken under the requirements of this chapter and all other documents, including purchase orders, pertaining to the award of contracts on such bids, shall be preserved for a period of time sufficient to satisfy record retention policies for municipalities as set by the State of Tennessee. (Ord. 852, as replaced by Ord. #0217-01, Feb. 2017)

5-508. <u>Procedure for opening bids</u>. All sealed bids conforming to the bid specifications shall be opened at the time and place fixed in the advertisement. The city manager, chief financial officer, or city clerk shall be present at a bid opening, along with a department head or second staff member from the preceding staff list. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidder, the amounts of their bids, and the name of the successful order, be open to public inspection. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #0217-01, Feb. 2017)

5-509. <u>Prohibition from purchasing from certain businesses</u>. No purchase shall be made for tangible personal property or services by city officials or employees, acting in their official capacity, from any firm or individual whose

local business tax or license or local property tax is delinquent. (Ord. 852, as replaced by Ord. #0217-01, Feb. 2017)

5-510. Emergency purchases and non-mechanical repairs. A department or agency head of the city government is authorized to purchase in the open market, without filing requisition or estimate, any non-mechanical repairs, supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes. The head of the city department or agency concerned shall attempt to contact the city manager for authorization prior to making such purchase, but in the event the city manager is unavailable shall report such purchase to the city manager within one working day. The report should include details of the purchase, together with a full and complete account of the circumstances of such emergency. City manager shall report the same to the city council at its next regularly scheduled meeting, unless a specially called meeting is designated to discuss such purchase. Such report shall be kept on file for a period of time sufficient to satisfy record retention policies for municipalities as set by the State of Tennessee and shall be open to public inspection during such time. (Ord. 852, as amended by Ord. #2002-01, Feb. 2002, and replaced by Ord. #2017-01, Feb. 2017)

5-511. <u>Mechanical repairs and routine maintenance excluded</u>. Purchases of goods and services relating to mechanical repairs and routine maintenance to city vehicles are excluded from the operation of this chapter. (Ord. 852, as replaced by Ord. #0217-01, Feb. 2017)

5-512. <u>Local purchasing</u>. It is the intent of the city to encourage purchasing local whenever possible, while at the same time complying with all applicable municipal purchasing laws as required by the State of Tennessee. Local preference is given to businesses located within the city limits of the City of Harriman. Objectives to accomplish this may include, but are not limited to, the following:

(1) Contacting local qualifying businesses to submit quotes,

(2) Notifying local businesses of opportunities to submit sealed bids,

(3) In the event that two (2) or more quotes or bids are equal in all other respects, giving preference to a local business,

(4) Ensuring that delivery costs are included when assessing the low bid,

(5) Assessing the ability of a local business to provide goods and services that may be available through a joint purchasing contract and taking quotes or bids as provided for in this chapter when a local provider can reasonably meet the conditions of the purchase at an equal or lower cost. (as added by Ord. #0217-01, Feb. 2017)

MISCELLANEOUS

SECTION

5-601. Procedure for selling surplus city personal property.

5-601. <u>Procedure for selling surplus city personal property</u>. (1) The city manager shall be responsible for the sale and disposal of all surplus personal property. The sale of any single item estimated to have a value in excess of one thousand dollars (\$1,000.00) shall be first approved by the mayor and board of alderman.

(2) Permissible methods to sell or dispose of surplus city property shall include, but are not limited to:

- (a) Public auction, including internet based auction;
- (b) Solicitation of written bids;

(c) Negotiated sale to one (1) or more designated buyers;

(d) Transfer to another governmental entity or agency at or below reasonable market value; and

(e) Transfer to a non-profit organization at or below reasonable market value.

(3) Prior to the sale, all city logos or other symbols are to be removed to destroyed from the to be sold. (1974 Code, § 6-501, as replaced by Ord. #0215-01, Feb. 2015)

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

- 1. POLICE DEPARTMENT.
- 2. ARREST PROCEDURES.
- 3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

POLICE DEPARTMENT²

SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Police department records.

6-101. <u>Policemen subject to chief's orders</u>. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue.

6-102. <u>Policemen to preserve law and order, etc</u>. 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.

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals, convoyed, fire calls answered, and other miscellaneous activities of the police department.

(4) Any other records required to be kept by the city council or by law.

The police chief shall be responsible for insuring that the police department complies with the section.

²Municipal code reference

¹Municipal code reference

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

Emergency services responders: title 20, ch. 2.

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrests.

6-202. Disposition of persons arrested.

6-201. <u>When policemen to make arrests</u>.¹ 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 probable cause to believe the person has committed it.

6-202. <u>Disposition of persons arrested</u>. (1) <u>For code or ordinance</u> <u>violations</u>. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) <u>Felonies or misdemeanors</u>. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

¹Municipal code reference

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

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

6-301. <u>Citations in lieu of arrest in non-traffic cases</u>.¹ Pursuant to <u>Tennessee Code Annotated</u>, § 7-63-101, <u>et seq</u>., the city council appoints the building/fire inspector a special police officer having the authority to issue citations in lieu of arrest. The building/fire inspector shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances and for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with <u>Tennessee Code Annotated</u>, § 7-63-104.

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

6-302. <u>Summonses in lieu of arrest</u>. Pursuant to <u>Tennessee Code</u> <u>Annotated</u>, § 7-63-201, <u>et seq</u>., which authorizes the city council to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the council designates the street superintendent in the street department and the animal control officer in the animal control department to issue ordinance summonses in those areas. These enforcement officers may <u>not</u> arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

¹Municipal code reference

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

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. Change 5, July 5, 2016

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

- 1. FIRE DISTRICT.
- 2. FIRE CODE.
- 3. FIRE DEPARTMENT.
- 4. FIREWORKS.
- 5. FALSE EMERGENCY ALARMS.

CHAPTER 1

FIRE DISTRICT²

SECTION 7-101. Fire district described.

7-101. <u>Fire district described</u>. The corporate fire district shall be as follows: Starting at a point at the midpoint of Carter Avenue where Carter Avenue intersects Devonia Street and going East on Carter Avenue to the midpoint of Clinton Street; then going North on Clinton Street to the midpoint of an alley between Trenton Street and Roane Street; then going North on this alley to the midpoint of Georgia Avenue; then going East on Georgia Avenue following the Schools property line to the midpoint of Emory Drive where Cumberland

¹Charter references Article II, sec. 18(14) and (8)-(2b) Municipal code reference Building, utility and housing codes: title 12. Emergency services responders: title 20, ch. 2.

²Municipal code reference

Zoning ordinance: title 14.

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

Change 5, July 5, 2016

Street intersects; then following Emory Street across Roane Street to the midpoint of the Rail Road right of way; then going South follow the Rail Road right of way to the midpoint of Crescent Avenue; then going East on Crescent Avenue to the midpoint of Devonia Street; then travel South on Devonia Street to the midpoint of Carter Avenue.

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Modifications.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations and penalties.

7-201. Fire code adopted. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the NFPA 101 Life Safety Code as published by the National Fire Prevention Association² and International Fire Code,³ 2012 edition including Appendices B, C, D, E, F, G, H, and I as published by the International Code Council, are hereby adopted as the Fire Code of the City of Harriman, in the State of Tennessee for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 7-204 of this chapter. (as replaced by Ord. #06-04-07, May 2006, Ord. #0111-04, Feb. 2011, and Ord. #0413-05, April 2013)

7-202. <u>Enforcement</u>. The fire prevention code herein adopted by reference shall be enforced by the fire inspector. He shall have the same powers as the state fire marshal.

¹Municipal code reference

Building, utility and housing codes: title 12.

²Copies of this code may be purchased from the National Fire Prevention Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

³Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

Change 4, March 11, 2014

7-203. <u>Definition of "municipality</u>." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Harriman, Tennessee.

7-204. <u>Modifications</u>. Section 101.1 Insert: City of Harriman; Section 109.4. Insert: each offense, \$50, as prescribed by law; Section 111.4. Insert: \$50, as prescribed by law.
(as replaced by Ord. #06-04-07, May 2006, Ord. #0111-04, Feb. 2011, and

Ord. #0413-05, April 2013)

7-205. <u>Gasoline trucks</u>. 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.

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

7-207. <u>Violations and penalties</u>. It shall be unlawful for any person to violate any of the provisions of this chapter or the <u>International Fire Code</u> and the <u>NFPA 101 Life Safety Code</u> 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 city council 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 fifty dollars (\$50.00) as prescribed by law, 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. (as amended by Ord. #06-04-07, May 2006)

FIRE DEPARTMENT¹

SECTION

7-301. Creation, composition, compensation, and medical coverage for members, etc.

7-302. Inspections, drills, etc.

- 7-303. Command and authority at fires.
- 7-304. Equipment to be used only within corporate limits generally.
- 7-305. Chief to be assistant to state officer.
- 7-306. Damaging, tampering with, or obstructing fire hydrants, etc.

7-301. <u>Creation, composition, compensation, and medical coverage for</u> <u>members, etc</u>. There is hereby created a city fire department to be composed of a chief, a first assistant chief, a second assistant chief, and as many other members or firemen as the city council shall authorize the board of fire department commissioners to appoint.

Members of the fire department shall receive such compensation as the city council shall prescribe. In addition, the mayor is authorized to provide for hospitalization, medical, and surgical aid for any member of the fire department or any person impressed into service during an emergency when such member or other person is injured in line of duty. (1972 code, sec. 7-201)

7-302. <u>Inspections, drills, etc</u>. Twice a year the board of fire department commissioners shall carefully inspect each company of the fire department and shall satisfy itself that each company is in an efficient operating condition.

The chief of the fire department shall make such inspections of the companies of the department as are necessary to satisfy himself that the fire department is in an efficient operating condition. He shall require drills, with or without notice, and may test each company as to its ability and efficiency.

The assistant chiefs of the fire department shall make frequent inspections of the companies and shall satisfy themselves that each company is in efficient operating condition, that the membership is as required, that the rules and regulations of the board of fire department commissioners are being complied with, and that this chapter is being observed. (1974 code, sec. 7-202)

7-303. <u>Command and authority at fires</u>. The chief of the fire department, or, in his absence, the assistant chiefs in the order of their rank, shall have full power and command over all members of the fire department at fires. Such

¹Charter references

Article II, sec. 25 and article IX.

commanding officer shall direct and adopt such measures as he shall deem most advisable for the extinguishing of fires and for the care and protection of property endangered thereby. He shall have power to summon any and all residents of the city present at a fire to aid in extinguishing such fire and in removing or caring for personal property endangered by the fire.¹ He shall also have the power and authority to order and have any wall torn down that has become dangerous to life. When reasonably necessary in order to prevent the spread of a fire, he may direct the destruction of any building or any part thereof. (1974 code, sec. 7-203)

7-304. Equipment to be used only within corporate limits generally. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such 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 such city property or unless expressly authorized in writing by the city council and board of fire department commissioners. (1974 code, sec. 7-204)

7-305. <u>Chief to be assistant to state officer</u>. Pursuant to requirements of <u>Tennessee Code annotated</u>, section 68-17-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by <u>Tennessee</u> <u>Code Annotated</u>, title 8, chapter 17 and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1974 code, sec. 7-205)

7-306. <u>Damaging, tampering with, or obstructing fire hydrants, etc</u>. It shall be unlawful for any person to willfully, maliciously, or negligently damage, tamper with, or obstruct any fire hydrant or any city apparatus or equipment used or intended for fighting fires. (1974 code, sec. 7-206)

¹Charter reference Article II, section 18(22).

FIREWORKS

SECTION

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

7-401. <u>Definition</u>. "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. (1974 code, sec. 7-301)

7-402. Manufacture, sale, and discharge of fireworks.

(1) The manufacture of fireworks is prohibited within the city.

(2) The storing, offering for sale, exposing for sale, or selling at retail any fireworks is permitted within the city on the following conditions:

(a) Upon approval of the police chief; and

(b) Upon approval of the fire chief. The police chief and the fire chief shall consider the effect of the business on traffic flow, its location, the nature of the business, the type of structure, zoning regulations, etc.

(3) The fire chief shall have power to grant 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 chief of the fire department of the city, and shall be of such a character, and be 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 dangerous to any person.

(4) Applications for permits for public displays shall be made in writing 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.

(5) No permit granted hereunder shall be transferrable. (1973 code, sec. 7-302, as amended by ord. 875-A, sec. 1, and ord. 882, sec. 1, as replaced by ord. 887, sec. 1)

7-403. <u>Bond for fireworks display required</u>. The permittee shall furnish a bond in an amount deemed adequate by the fire chief for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees, or subcontractors. (1974 code, sec 7-303)

7-404. <u>Disposal of unfired fireworks</u>. 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. (1974 code, sec. 7-304)

7-405. <u>Exceptions</u>. Nothing in this chapter shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of the city; or 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. (1974 code, sec. 7-305)

7-406. <u>Seizure of fireworks</u>. Policemen and firemen 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. (1974 code, sec. 7-306)

FALSE EMERGENCY ALARMS

SECTION 7-501. Definitions. 7-502. Notifications.

7-501. <u>Definitions</u>. (1) "False emergency alarm." Any signal actuated by an emergency alarm to which the fire department responds which is not the result of fire or other actual emergency and not caused by a violent act of nature.

(2) "Owner and/or operator." A person or persons who resides in or operates a business in which an emergency alarm is connected. (as added by Ord. #0714-02, Aug. 2014)

7-502. <u>Notifications</u>. The following schedule of notice, warnings, penalties, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within any twelve (12) month period commencing from the first false alarm.

First false alarm - Verbal notification by a fire department officer.

Second false alarm - Warning letter and notice to insure that the alarm system is in proper working order. Once the second false emergency alarm has been received the fire chief shall send, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and/or costs of providing such service.

Third false alarm - A penalty of fifty dollars (\$50.00) shall be imposed.

Fourth and more - A penalty of fifty dollars (\$50.00) for each false alarm and a fee for the actual costs of such response by the fire department including the costs of equipment, fuel, personnel, administration, and other such factors as determined by the fire chief. (as added by Ord. #0714-02, Aug. 2014)

TITLE 8

<u>ALCOHOLIC BEVERAGES¹</u>

CHAPTER

- 1. INTOXICATING LIQUORS.
- 2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Application for certificate of good moral character.
- 8-103. Applicant to agree to comply with laws.
- 8-104. Applicant to appear before city council; duty to give information.
- 8-105. Action on application.
- 8-106. Residency requirement.
- 8-107. Applicants for certificate who have criminal record.
- 8-108. Only one establishment to be operated by retailer.
- 8-109. Where establishments may be located.
- 8-110. Retail stores to be on ground floor; entrances.
- 8-111. Limitation on number of retailers.
- 8-112. Radios, amusement devices and seating facilities prohibited in retail establishments.
- 8-113. Inspection fee.
- 8-114. Violations.

8-101. <u>Alcoholic beverages subject to regulation</u>. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by <u>Tennessee Code Annotated</u>, title 57. (Ord. 1012)

Article II, section 18(12).

Municipal code references

Public drunkenness, etc.: title 11, chapter 2.

State law reference

¹Charter references

Driving under the influence: section 15-104.

Tennessee Code Annotated, title 57.

8-102. <u>Application for certificate of good moral character</u>¹. Before any character certificate, as required by <u>Tennessee Code Annotated</u>, § 57-3-208 or a renewal as required by 57-3-213 shall be signed by the mayor, or by any aldermen,² an application in writing shall be filed with the city clerk on a form to be provided by the city, giving the following information:

(1) Name, age and address of the applicant.

(2) Number of years residence in the city.

(3) Occupation or business and length of time engaged in such occupation or business.

(4) Whether or not the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.

(5) If employed, the name and address of employer.

(6) If in business, the kind of business and location thereof.

(7) The location of the proposed store for the sale of alcoholic beverages.

(8) The name and address of the owner of the store.

(9) If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation, the name, age and address of the stockholders and their degrees of ownership of stock in the corporation.

The information in the application shall be verified by the oath of the applicant. If the applicant is a partnership or a corporation, the application shall be verified by the oath of each partner, or by the president of the corporation.

Each application shall be accompanied by a non-refundable investigation fee of two hundred and fifty dollars (\$250.00). (Ord. 1012)

8-103. <u>Applicant to agree to comply with laws</u>. The applicant for a certificate of good moral character shall agree in writing to comply with the state and federal laws and ordinances of the city and rules and regulations of the Alcoholic Beverage Commission of the State for sale of alcoholic beverages. (Ord. 1012)

²State law reference

¹State law reference

Tennessee Code Annotated, § 57-3-208.

<u>Tennessee Code Annotated</u>, § 57-3-208 requires the certificate of good moral character to be signed by the mayor or a majority of the governing body.

8-104. Applicant to appear before city council; duty to give information. An applicant for a certificate of good moral character may be required to appear in person before the city council for such reasonable examination as may be desired by the city council. (Ord. 1012)

8-105. Action on application. Every application for a certificate of good moral character shall be referred to the chief of police for investigation and to the city attorney for review, each of whom shall submit his findings to the city council within thirty (30) days of the date each application was filed.

The city council may issue a certificate of good moral character to any applicant, which shall be signed by the mayor or by a majority of the city council. (Ord. 1012)

8-106. Residency requirement. Residency is not a requirement as part of the certificate of good moral character (Section 8-105). (Ord. 1012, as replaced by Ord. #2000-14, Oct. 2000)

8-107. Applicants for certificate who have criminal record. No certificate of good moral character for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or vinting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such certificate of good moral character, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws. (Ord. 1012)

8-108. Only one establishment to be operated by retailer. No retailer shall operate, directly or indirectly, more than one place of business for the sale of alcoholic beverages in the city. The word "indirectly," as used in this section, shall include and mean any kind of interest in another place of business by way of stock, ownership, loan, partner's interest or otherwise. (Ord. 1012)

8-109. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations zoned for that purpose, but in no event shall any establishment be located within five hundred (500) feet of a hospital, church or school, or any other place of public gathering, measured in a straight line¹ between the nearest point on the property line upon

(continued...)

¹State law reference

which sits the building from which the alcoholic beverages will be sold, stored or distributed, and the nearest point on the property line of the hospital, school, church, or other place of public gathering. (Ord. 1012)

8-110. <u>Retail stores to be on ground floor; entrances</u>. No retail store shall be located anywhere on premises in the city except on the ground floor thereof. Each such store shall have only one main entrance; provided, that when a store is located on the corner of two (2) streets, such store may maintain a door opening on each such street; and provided further, that any salesroom adjoining the lobby of a hotel may maintain an additional door into such lobby as long as the lobby is open to the public. (Ord. 1012)

8-111. <u>Limitation on number of retailers</u>.¹ No more than three (3) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (Ord. 1012)

8-112. <u>Radios, amusement devices and seating facilities prohibited in</u> <u>retail establishments</u>. No radios, pinball machines, slot machines or other devices which tend to cause persons to congregate in such place shall be permitted in any retail establishment. No seating facilities shall be provided for persons other than employees. (Ord. 1012)

8-113. <u>Inspection fee</u>. The City of Harriman hereby imposes an inspection fee in the amount of five percent (5%) on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (Ord. 1012)

8-114. <u>Violations</u>. Any violation of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine under the general penalty clause of this code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission. (Ord. 1012)

(...continued)

¹State law reference <u>Tennessee Code Annotated</u>, § 57-3-208(c).

See <u>Watkins v. Naifeh</u>, 635 S.W.2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

\underline{BEER}^1

SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Beer permits shall be restrictive.
- 8-209. Classes of consumption permits.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-212. Prohibited conduct or activities by beer permit holders.
- 8-213. Revocation of beer permits.
- 8-214. Limitation on reissue of permits for same location.
- 8-215. Industry interest in permit prohibited.
- 8-216. Nonassignable.
- 8-217. Privilege tax.
- 8-218. Civil penalty in lieu of suspension.

8-201. <u>Beer board established</u>. There is hereby established a beer board to be composed of five (5) members, all of which are taxpayers for the City of Harriman and shall include one member of the Harriman City Council and one member of the Harriman Planning Commission. The chairman shall preside at its meetings. Its members shall serve without compensation for the staggered term of two (2) and four (4) year(s). The chairman is to serve a term of one (1) year and cannot be a member of the Harriman City Council. (Ord. 1008)

8-202. <u>Meetings of the beer board</u>. All meetings of the beer board shall be open to the public. The board shall hold regular meetings as follows: 4th Wednesday every month at 5:30 P.M.; unless the chairman announces in

Municipal code reference

State law reference

¹Charter reference

Article 11, section 18(2).

Tax provisions: title 5.

For a leading case on a municipality's authority to regulate beer, see <u>Watkins v. Naifeh</u>, 635 S.W.2d 104 (Tenn. 1982).

advance that there is no business to come before the beer board. A special meeting of the beer board may be called by its chairman provided he gives ten (10) days notice thereof to each board member and to the public, and the board may adjourn a meeting at any time to another time and place. (Ord. 1008, as amended by Ord. #0314-01, March 2014)

8-203. <u>Record of beer board proceedings to be kept</u>. The city clerk shall be required to attend and to make separate record of the proceedings of all meetings of the beer board and the clerk shall be compensated the sum of \$50 for each meeting attended. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the contents of each beer permit issued by the board. (Ord. 1008, as replaced by ord. 1022)

8-204. <u>Requirements for beer board quorum and action</u>. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. However, when a quorum is present the affirmative vote of only a simple majority of the members voting shall be required for affirmative action by the board. (Ord. 1008)

8-205. <u>Powers and duties of the beer board</u>. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (Ord. 1008)

8-206. <u>"Beer" defined</u>. The term "beer" as used in this chapter shall be the same definition appearing in <u>Tennessee Code Annotated</u>, § 57-5-101. (Ord. 1008, as replaced by Ord. #0223-01, Feb. 2023)

8-207. <u>Permit required for engaging in beer business</u>. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to <u>Tennessee Code Annotated</u>, section 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Harriman. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. 1008, as replaced by ord. 1022) 8-208. <u>Beer permits shall be restrictive</u>. All beer permits shall be restrictive as to the type of beer business authorized under them. Each permit shall be in the name of the corporation or owner designee. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. 1008)

8-209. <u>Classes of consumption permits</u>. Permits issued by the beer board shall consist of three (3) classes:

(1) <u>Class 1 on-premises permit</u>. A Class 1 on-premises permit shall be issued for the consumption of beer only on the premises. To qualify for a Class 1 on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

(a) Be primarily a restaurant or an eating place; and

(b) Be able to seat a minimum of thirty (30) people, including children, in booths and at tables, in addition to any other seating it may have; and

(c) Have any and all such seating in the interior of the building or on an enclosed patio; and

(d) Shall not have monthly beer sales exceeding fifty percent (50%) of the gross sales of the establishment.

Any such establishment, which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked.

(2) <u>Off-premises permit</u>. An off-premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

(a) Be a grocery store or a convenience type market; and

(b) In either case, be primarily engaged in the sale of grocery, personal and home care and cleaning articles, but may also sell gasoline; and

(c) Shall not have monthly beer sales exceeding fifty percent (50%) of the gross sales of the establishment.

Any such establishment, which for two (2) consecutive months or for any three (3) months in any calendar year has beer sales exceeding fifty percent (50%) of its gross sales, shall have its beer permit revoked.

(3) <u>Special event permits for sale in certain areas</u>. An application for a special events permit to sell beer, or any other beverage with an alcoholic content not exceeding eight percent (8%) by weight, except as defined in <u>Tennessee Code Annotated</u>, § 57-3-101, may be obtained from the city clerk for special events. An applicant for special events permit must meet all other requirements contained in title 8, chapter 2 of the Harriman Municipal Code except such an event may be permitted without being located in a permanent structure as otherwise required in § 8-209 of this chapter. A special events permit holder shall not be required to pay the privilege tax established in § 8-217 of this chapter.

(a) Emory Golf Course. Notwithstanding any other provisions of this section to the contrary, the beer board is hereby authorized and empowered in its discretion to permit the sale of beer at the Emory Golf Course, Map 026O, Group B, Parcel 011.00 and Map 026O, Group C, Parcel 012.00, at such times and events and under such terms, conditions, rules and regulations, including the temporary closure of public rights-of-way within the area with the express permission and cooperation of the city police department, as the beer board may establish which are not inconsistent with state law regulating the sale of beer.

(b) Harriman Industrial Park. The beer board is further authorized and empowered in its discretion to permit the sale of beer on the site of the Harriman Industrial Park, Map 018. Parcel 058.00, at such times and events and under such terms, conditions, rules and regulations, including the temporary closure of public rights-of-way within the area with the express permission and cooperation of the city police department as the beer board may establish which are not inconsistent with state law regulating the sale of beer.

(c) Any person, organization or other entity conducting a special event at Emory Golf Course or Harriman Industrial Park shall provide at least forty-five (45) days advance written notice to the chairman of the beer board, with a copy to the city clerk, of the intent to conduct such a special event. The notice required by this subsection shall include, but not necessarily be limited to, the following information:

(i) Date(s) and time(s) of the event(s):

(ii) The sponsor of the event;

(iii) The specific location where any beer is to be sold;

(iv) Any plans for proposed temporary closure of public rights-of-way;

(v) Plans for security and policing of the event; and

(vi) The anticipated number of persons attending the event.

Upon receipt of the notice as required herein, the proposed special event shall be posted and advertised and subsequently shall be placed on the beer board's agenda at its next regularly scheduled meeting following receipt of the notice and the sponsor of the proposed event shall send a representative or representatives to the beer board meeting to address any questions or issues arising out of the proposed special event.

The special permit shall not be issued for longer than a four (4) consecutive day period, subject to the limitations on the hours of sale

imposed by law, except this provision shall not apply to special event permits issued for the Harriman Industrial Park. The special permit for the Harriman Industrial Park shall not be issued for longer than fortyfive (45) days in any twelve (12) month period, subject to the limitations on the hours of sale imposed by law.

(d) The fee for each special events permit shall be one hundred dollars (\$100.00).

(4) <u>Special occasion permit</u>. An application for a permit to serve but not sell beer, or any other beverage with an alcoholic content not exceeding five percent (5%) of weight, may be obtained from the city clerk for special occasions:

(a) The beer board of the city is authorized to issue special occasion permits to bona fide charitable, nonprofit or political organizations for special occasions. Special occasion permits to bona fide charitable, nonprofit or political organizations shall be limited to two (2) events per organization in any twelve (12) month period.

(b) The special occasion permit shall not be issued for longer than one (1) twenty-four (24) hour period, subject to the limitations on the hours of sale imposed by law. The application for the special occasion permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premises upon which alcoholic beverages shall be served and the purpose for the request of the permit.

(c) The fee for each special occasion permit shall be fifty dollars (\$50.00).

(d) For purposes of this section: "Bona fide charitable organization" or "nonprofit organization" means any corporation which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code. "Bona fide political organization" means any political campaign committee as defined in <u>Tennessee Code Annotated</u>, § 2-10-101(a) or any political party as defined in <u>Tennessee Code Annotated</u>, § 2-13-101.

(e) No charitable, nonprofit or political organization possessing a special occasion permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided to state law.

(5) <u>Existing permits</u>. Existing permits granted prior to annexation shall be in full force and effect. (Ord. 1008, as replaced by Ord. #0314-01, March 2014, and amended by Ord. #0319-01, April 2019, and Ord. #0223-01, Feb. 2023)

8-210. <u>Interference with public health, safety, and morals prohibited</u>. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. (Ord. 1008)

Change 4, March 11, 2014

8-10

8-211. <u>Issuance of permits to persons convicted of certain crimes</u> <u>prohibited</u>. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. 1008)

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

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

(2) Make or allow any sale of beer between the hours of 3:00 A.M. to 8:00 A.M. weekdays on Monday through Saturday or between the hours of 3:00 A.M. and 12:00 noon on Sundays.

(3) Allow any loud, unusual, or obnoxious noises to emanate from his premises.

(4) Make or allow any sale of beer to a person under twenty-one (21) years of age.

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

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

(7) Allow drunk persons to loiter about his premises.

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women.

In addition, it shall be unlawful for any Class 2 on premises permit holder to employ any person under the age of eighteen (18) on the premises in any capacity whatsoever. (Ord. 1008, modified, as amended by Ord. #0314-01, March 2014)

8-213. <u>Revocation of beer permits</u>. The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of violating any of the provisions of this chapter. However, no beer permit shall be revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the police chief or by any reputable local citizen upon the filing of an application with the beer board requesting such action. (Ord. 1008)

8-214. <u>Limitation on reissue of permits for same location</u>. Where a permit is revoked, no new permit shall be issued to permit the sale of beer on

the same premises until after the expiration of one year from the date the revocation became final and effective. (Ord. 1008)

8-215. <u>Industry interest in permit prohibited</u>. No permits shall be issued when a brewer, manufacturer, distributor or warehouseman of legal beer has any interest in the business, financial or otherwise, or in the premises upon which the sale of beer is to be carried out. (Ord. 1008)

8-216. <u>Nonassignable</u>. Holders of permits may not assign permit to new owners of establishment, property or anyone else. (Ord. 1008)

8-217. <u>Privilege tax</u>. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Harriman, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. 1022)

8-218. <u>Civil penalty in lieu of suspension</u>. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

- 1. PEDDLERS, SOLICITORS, ETC.
- 2. TAXICABS.
- 3. VIDEO ARCADES, POOL ROOMS, BOWLING ALLEYS, ETC.
- 4. RODEOS, CIRCUSES, CARNIVALS AND OTHER ITINERANT SHOWS.
- 5. LIMITATIONS ON VENDORS DURING PARADES.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.²

SECTION

9-101. Definitions.

- 9-102. Exemptions.
- 9-103. Permit required.
- 9-104. Permit procedure.
- 9-105. Restrictions on peddlers, street barkers and solicitors.
- 9-106. Restrictions on transient vendors.
- 9-107. Display of permit.
- 9-108. Suspension or revocation of permit.
- 9-109. Expiration and renewal of permit.
- 9-110. Violation and penalty.

9-101. <u>Definitions</u>. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12. Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Taxation: title 5.

Zoning: title 14.

²Municipal code references Privilege taxes: title 5. Trespass by peddlers, etc.: § 11-501. who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any charitable or religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten dollars (\$10.00). No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one of the following conditions:

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

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

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

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

"Transient vendor¹" means any person who brings into temporary (5)premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item, whether new (not previously owned by a consumer) or used (previously owned by a consumer), and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

9-102. <u>Exemptions</u>. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. However, in order for persons selling agricultural products to fall within this exception, they must be selling said products at a location on property they either own or have an otherwise legal interest in the property or legal right to use the property upon which they are selling said products. Further, in order for persons selling agricultural products to fall within this

¹State law references

<u>Tennessee Code Annotated</u>, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from <u>Tennessee Code</u> <u>Annotated</u>, § 62-30-101(3). Note also that <u>Tennessee Code Annotated</u>, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in <u>Tennessee Code Annotated</u>, § 67-4-709(b).

exception, they must be able to prove the products they are selling were, in fact, produced by them.

9-103. <u>Permit required</u>. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

9-104. <u>Permit procedure</u>. (1) <u>Application form</u>. A sworn application containing the following information shall be completed and filed with the city clerk by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

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

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

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

(g) Anyone over eighteen (18) years of age is required to have a photo I.D.

(2) <u>Permit fee</u>. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for charitable purposes or as a solicitor for subscriptions.

(3) <u>Permit issued</u>. Upon the completion of the application form and the payment of the permit fee, where required, the clerk shall issue a permit and provide a copy of the same to the applicant.

(4) <u>Submission of application form to chief of police</u>. Immediately after the applicant obtains a permit from the city clerk, the city clerk shall submit to the chief of police a copy of the application form and the permit. 9-105. <u>Restrictions on peddlers, street barkers and solicitors</u>. Except when specifically permitted by the governing body, no peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located.

9-106. <u>Restrictions on transient vendors</u>. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

9-107. <u>Display of permit</u>. Each person subject to the provisions of this chapter is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer or the building inspector upon demand.

9-108. <u>Suspension or revocation of permit</u>. (1) <u>Suspension by the clerk</u>. The permit issued to any person or organization under this chapter may be suspended by the city clerk for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) <u>Suspension or revocation by the city council</u>. The permit issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city clerk in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder 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.

9-109. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

9-110. <u>Violation and penalty</u>. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense.

TAXICABS¹

SECTION

- 9-201. Definitions.
- 9-202. Permit required.
- 9-203. Form of permit.
- 9-204. Application for permit.
- 9-205. Investigation and hearing on application; issuance or refusal of certificate or permit.
- 9-206. Licensee to be bona fide owner of vehicle; muniment of title to be deposited.
- 9-207. Renting or leasing vehicles prohibited.
- 9-208. Liability insurance required.
- 9-209. Permit number to be painted on each cab; requirements as to letters and figures.
- 9-210. Reservation of right to fix fares.
- 9-211. Taxicab stands on streets and alleys prohibited.
- 9-212. Operating over fixed routes.
- 9-213. Awaiting employment at other than stands prohibited.
- 9-214. Leaving vehicles unattended on streets.
- 9-215. Conduct of drivers.
- 9-216. Drivers not to solicit passengers.
- 9-217. Vehicles to be kept clean and in good repair; inspection; removal from service.
- 9-218. Number of passengers.
- 9-219. Applicability of chapter to nonresident owners or operators.
- 9-220. Revocation of permits.

9-201. <u>Definitions</u>. The following terms, when used or referred to in this chapter, shall have the following respective meaning unless a different meaning appears from the context:

(1) "Person" shall include an individual, partnership, corporation, or association.

(2) "Taxicab" shall mean a motor vehicle designed or constructed to accommodate and transport passengers, not more than five (5) in number, exclusive of the driver, and not operating on an established route between fixed terminals under a permit granted by the city or the railroad and public utilities commission.

¹Municipal code reference

Privilege tax provisions: title 5.

(3) "Council" shall mean the city council of the city. (1974 code, sec.5-401)

9-202. <u>Permit required</u>. No person shall operate a taxicab in the city without first having applied for and received from the board a permit therefor. (1974 code, sec. 5-402)

9-203. <u>Form of permit</u>. The permit required by this chapter shall be in the form of a certificate of public necessity and convenience. (1974 code, sec. 5-403)

9-204. <u>Application for permit</u>. Any person desiring to operate a taxicab in the city shall make an application for a permit addressed to the council, which application shall be in writing, verified by the affidavit of the applicant, or his duly authorized agent, and shall state the following facts:

(1) The full name and address of the applicant, including the location of the garage from which he is to operate.

(2) If a partnership, the name of each partner.

(3) If a corporation, the name and addresses of the executive officers thereof.

(4) The number of taxicabs desired to be operated.

(5) The make of each taxicab.

(6) State license numbers.

(7) Such other information as may be required by the council.

The application shall be filed with the city clerk, who shall refer same to the council for investigation and hearing. (1974 code, sec. 5-404)

9-205. <u>Investigation and hearing on application; issuance or refusal of certificate or permit</u>. The permit required by this chapter shall be granted only after an investigation and hearing by the council to determine the need for additional taxicab service, the quality of services proposed to be rendered, as well as the number of taxicabs to be operated. If the council finds that public necessity and convenience require the operation of such vehicles or a greater or lesser number of vehicles than for which a permit has been applied, and the applicant is a person of suitable character and qualifications to conduct such business, it shall direct and notify the city clerk to issue the certificate as hereinafter provided. If the board finds that public necessity and convenience do not require the operation of any such vehicle, or the applicant is not a person of suitable character and qualifications to conduct such business, it shall immediately notify the applicant of its findings, and no permit or license shall be issued to such applicant. (1974 code, sec. 5-405)

9-206. <u>Licensee to be bona fide owner of vehicle; muniment of title to be</u> <u>deposited</u>. No permit or license for the operation of a taxicab shall be granted

to any person unless such person shall be the bona fide owner of such license, such person so applying shall deposit with the city clerk a certificate or other muniment of title for every taxicab to be licensed. The muniment of title shall be retained by the city clerk for such period of time as such vehicle is used as a taxicab. The business of every licensed taxicab shall be carried on by the person to whom the license or permit is issued, and by the person in whose name the contract of insurance provided for in this chapter is written. (1974 code, sec. 5-406)

9-207. <u>Renting or leasing vehicles prohibited</u>. No owner of a taxicab licensed in accordance with the provisions of this chapter shall rent or lease the same to any person, including his employees. (1974 code, sec. 5-407)

9-208. <u>Liability insurance required</u>. No person shall be allowed to operate a taxicab service until he has procured from some reliable insurance company, insurance to the extent of legal liability to one person in the sum of one hundred thirty thousand dollars (\$130,000) and to one accident to the extent of three hundred fifty thousand dollars (\$350,000), and property damage to the extent of fifty thousand dollars (\$50,000). Such liability shall extend regardless of whether the taxicab, at the time of the accident be driven by the owner or an employee. Such policies of insurance shall be approved by the city attorney and filed and left with the city clerk. Such policies of insurance shall not be cancelled or surrendered, except upon written notice to the city clerk.

Failure of any person to procure and file the policies of insurance as required by this section shall immediately forfeit and make null and void any permit issued under the provisions of this chapter, and all rights thereunder shall at once cease. (1974 code, sec. 5-408, modified)

9-209. <u>Permit number to be painted on each cab; requirements as to letters and figures</u>. Each person who has been granted a permit under the terms of this chapter shall have and keep painted in fast colors contrasting with the color of the vehicle, on each side of each and every vehicle used by him as a taxicab, the words: "Taxicab-Permit No. _____" filling the blank with the figures denoting the serial number of his permit. The letters and figures shall not be less than four (4) inches in height. (1974 code, sec. 5-409)

9-210. <u>Reservation of right to fix fares</u>.¹ The city reserves the right to fix taxicab fares within the city limits.

¹Charter reference Article II, section 18(11).

9-211. <u>Taxicab stands on streets and alleys prohibited</u>. It shall be unlawful for any person or persons to operate a taxicab stand on any part of any public street or alley in the City of Harriman, Tennessee. (1974 code, sec. 5-411)

9-212. <u>Operating over fixed routes</u>. It shall be unlawful for any person to operate a taxicab over a certified route, running on regular schedules, and soliciting business in any way whether at a regular stop or on any part of a certified route which has been granted to a bus operating either through a franchise by the city or a certificate of convenience and necessity granted by the railroad and public utilities commission. (1974 code, sec. 5-412)

9-213. <u>Awaiting employment at other than stands prohibited</u>. No owner or driver of any taxicab shall stand beside a parked taxicab on any street or public thoroughfare while awaiting employment at any place other than a stand designated by the council and assigned to the owner of such taxicab. (1974 code, sec. 5-413)

9-214. <u>Leaving vehicles unattended on streets</u>. No owner or driver of any taxicab shall leave such cab unattended on any street for a period of time longer than three (3) minutes. (1974 code, sec. 5-414)

9-215. <u>Conduct of drivers</u>. It shall be unlawful for any driver of a taxicab, while on duty, to drink any intoxicating liquor, to use any profane or obscene language, to shout or call to prospective passengers, or to disturb the peace in any way. (1974 code, sec. 5-415)

9-216. <u>Drivers not to solicit passengers</u>. It shall be unlawful for any driver of any taxicab to drive or cruise about on the streets of the city soliciting passengers who have not ordered or called for a taxicab. (1974 code, sec. 5-416)

9-217. <u>Vehicles to be kept clean and in good repair; inspection; removal from service</u>. All taxicabs shall be kept clean and in a good state of repair, and shall be subject to inspection by the council, chief of police, or any person designated to make such inspection. Inspections may be made at any time deemed advisable by the council or chief of police. If a taxicab, when so inspected, shall be found in an unsanitary condition, or unsafe or improper for use, such vehicle shall be removed from service until it passes inspection by such authority. (1974 code, sec. 5-417)

9-218. <u>Number of passengers</u>. No more than five (5) passengers shall be carried in the same taxicab at any one (1) time, and not more than two (2) persons, excluding the driver, shall be seated in the front seat of any cab while the same is in motion. (1974 code, sec. 5-418)

9-219. <u>Applicability of chapter to nonresident owners or operators</u>. This chapter shall apply with equal force and effect to every owner and operator of a taxicab in, over, upon, and through the streets and thoroughfares of the city, whether such owner and operator of such taxicab shall reside within or without the corporate limits of the city and regardless of whether or not the taxicab stand from which the taxicab is operated is located within or without the corporate limits of the city, if such operator or person owning and operating such taxicab shall make a regular practice of bringing passengers for hire into the city or of picking up passengers within the corporate limits of the city for the purpose of transporting such passengers for hire to other points within or without the corporate limits of the city. (1974 code, sec. 5-419)

9-220. <u>Revocation of permits</u>. In the event any person granted a permit under the provisions of this chapter or any driver or other employee thereof shall be convicted in any court of this state of violating any provision of this chapter or of storing, transporting, or selling liquor or any other intoxicating beverages, in, from, or about any taxicab or premises for which a license has been granted, such license shall automatically be revoked and shall become null and void from and after the date of such conviction, and the further operation of any taxicab by any person under such license shall be in violation of this chapter. (1974 code, sec. 5-420)

VIDEO ARCADES, POOL ROOMS, BOWLING ALLEYS, ETC.¹

SECTION

- 9-301. License required.
- 9-302. Authority of council to license; fee.
- 9-303. Application for license; signature of adjoining property owners required; affidavit of petitioner.
- 9-304. Proximity to churches, schools, etc.
- 9-305. Issuance of license.
- 9-306. Operating without a license.
- 9-307. Duration of license; renewal.
- 9-308. Failure of treasurer to comply with chapter relative to issuance of license.
- 9-309. Allowing gambling, disorderly conduct, or intoxicating liquor on premises.
- 9-310. Minors prohibited; exceptions.
- 9-311. Closing hours.
- 9-312. Forfeiture of license for violation of chapter.
- 9-313. License not transferable; exception.

9-301. <u>License required</u>. No person shall have, use or operate any pool or billiard tables, tenpin or bowling alley, box ball table or by video arcade in the city, for pay or profit, without first having obtained from the city a license therefor, as provided in this chapter. (Ord. 8833, sec. 1)

9-302. <u>Authority of council to license; fee</u>. The city council is hereby authorized to license any person to have, use or operate pool or billiard tables, tenpin and bowling alleys, box ball tables, and video arcades in the city, upon payment to the treasurer of the city of a fee of two dollars and fifty cents (\$2.50) for each pool or billiard table, or each tenpin or bowling alley, or each box ball table or each video machine licensed by it, for a period of three (3) months. (Ord. 8833, sec. 2)

9-303. <u>Application for license; signature of adjoining property owners</u> <u>required; affidavit of petitioner</u>. The applicant for a license, under the

¹Charter reference

Specific authority of the city to license and regulate billiard tables, bowling alleys, etc: Article II, section 8(12).

Municipal code reference

Privilege tax provisions: title 5.

provisions of this chapter, shall petition the mayor and city council in writing, stating in such petition the location where such pool or billiard tables, tenpin or bowling alleys, or box ball tables, or video machines will be used and operated should the license be granted. Such petition shall be signed by the owner of the building to be occupied, and also by the occupants of the buildings on either side of such building and contiguous thereto to be occupied. The petitioner shall annex to his petition his affidavit stating the names of all owners and occupants of such buildings, that each has signed such petition of his own free will and accord, and without any consideration therefor paid or agreed to be paid or rendered therefor by the applicant or by his procurement. The applicant must also show by affidavit that he has never been convicted of a violation of any license, excise, or internal revenue law or is not at the time of making application under indictment for any offense against the laws of any municipal, county, state, or the United States Government. (Ord. 8833, sec. 3)

9-304. <u>Proximity to churches, schools, etc.</u> The place or building to be occupied by a licensee under the provisions of this chapter shall not be closer to any church, school building, library, or public assembly room than a distance of one hundred (100) feet, however this provision shall not apply to video arcades. (Ord. 8833, sec. 4)

9-305. <u>Issuance of license</u>. The city council may in its discretion, by resolution, authorize the issuance of a license, as required by this chapter, and the mayor may approve the same. Such resolution of the city council with the mayor's approval thereon shall be certified by the city clerk to the city treasurer, who shall, upon receipt of the same, and upon the payment to him of the required license fee, issue to the applicant the license so authorized by the city council. (1974 code, sec. 5-505)

9-306. <u>Operating without a license</u>. It shall be unlawful for any person to operate a poolroom or bowling alley or video arcade without having obtained a license as required by this chapter, which license must be unrevoked and effective during any operation of such business. (Ord. 8833, sec. 5)

9-307. <u>Duration of license; renewal</u>. The license required by this chapter shall not be issued for a longer period than three (3) months, but may be renewed by the city council to operate in the same location without the necessity of the petitioner obtaining the written consent of the adjoining property owners and owner of the building in which the business is to be conducted; provided, that no complaint has been filed by such property owner or occupants of the adjoining property with any member of the city council, the mayor, the chief of police, or the city clerk; provided, further, that the applicant shall file the prescribed affidavit as required in section 9-303 of this code and it otherwise appears that the business has been conducted in accordance with law and under the provisions of this chapter. (1974 code, sec. 5-507)

9-308. <u>Failure of treasurer to comply with chapter relative to issuance</u> <u>of license</u>. If the city treasurer should issue a license under the provisions of this chapter for a longer period than three (3) months, or without the necessary certified resolution from the city clerk, he shall be guilty of a misdemeanor. (1974 code, sec. 5-508)

9-309. <u>Allowing gambling, disorderly conduct, or intoxicating liquor on premises</u>. It shall be unlawful and a misdemeanor for the holder of a license under the provisions of this chapter, or his agents or employees, or other person for him, to permit gambling, disorderly, or indecent conduct on the premises occupied by such licensee or to allow any intoxicating liquors, beer and/or other alcoholic beverages to be kept, brought into, used, or drunk on premises. (1974 code, sec. 5-509)

9-310. <u>Minors prohibited</u>; exceptions. It shall be unlawful and a misdemeanor for the holder of a license under the provisions of this chapter, his agents or employees, or other persons for him, to permit any persons under the age of eighteen (18) years to enter and remain in the rooms or places where any pool and billiard tables, tenpin alleys, or box ball tables are located without being accompanied by their parents or guardians or having their written permission.

Any minor who shall claim to have the written permission of his parents or guardian, to enable him to play pool or billiards, or at a tenpin or bowling alley or box ball table, shall, on entering the room, file the same with the owner or operator of such place of business. Such permit shall cover only one (1) admission to such pool or billiard room, tenpin, or bowling alley, or box ball game and shall not justify or authorize any further admissions to any other time. (1974 code, 5-510, modified)

9-311. <u>Closing hours</u>. It shall be unlawful and a misdemeanor for any person owning or in charge of any place licensed under this chapter to keep the same open or to allow any person to enter the same or to play after 10:00 P.M. at night, except on Friday and Saturday nights when it shall be unlawful for any person owning or in charge of any place licensed under this chapter to keep the same open or allow any person in the same or to play therein after 12:00 P.M. at night. (1974 code, sec. 5-511, modified)

9-312. <u>Forfeiture of license for violation of chapter</u>. Should any holder of a license, issued under the provisions of this chapter, his agent, or employees, violate any of the provisions of this chapter, the city council shall have the power and authority to declare such license forfeited upon proof of such violation, in

which event such license shall cease to be operative and shall be null and void. (1974 code, sec. 5-512)

9-313. <u>License not transferable; exception</u>. No license issued under this chapter shall be transferable except upon the consent of the city council in called or regular session, and such action shall be made a part of the proceedings of the city council. (1974 code, sec. 5-513)

RODEOS, CIRCUSES, CARNIVALS AND OTHER ITINERANT SHOWS

SECTION

9-401. Permit required; application for permit.

- 9-402. General conditions to issuance of permit.
- 9-403. Permit fees.
- 9-404. Occupancy of structure prohibited prior to issuance of permit.
- 9-405. Liability insurance and cash bond.

9-406. Inspection of premises.

9-407. Revocation of permit.

9-401. <u>Permit required; application for permit</u>. No person shall conduct, erect, or cause to be conducted or erected any rodeo, wild west show, menagerie, circus, carnival, or similar type or itinerant show within the City of Harriman without a permit to do so issued by the city coordinator. Application for such permit shall be in writing and filed with the city clerk at least fourteen (14) days prior to the opening date of any performance. The application shall clearly state the following:

(1) The name of the owner and location of the property where the show or performance is to take place.

(2) Whether any open flame is intended to be used within the structure and if so, what precautions are to be taken to render it safe.

(3) The name of person, firm or corporation which will use the structure.

(4) Location of principal place of business of such person, firm or corporation.

(5) Names and addresses of the offices of such firm or corporation.

(6) The length of time the structure or property is intended to be used for the purposes applied for.

(7) The hours of the day or night during which such structure is intended to be used as a place of assembly or as a place of entertainment.

(8) The formula of the solution which is to be used to flameproof the structure, or a copy of a certificate showing the date of the last flameproof treatment and by who performed.

(9) What provisions have been made for sanitary facilities for persons using the premises on which such structure is to be erected or is maintained.

(10) The name or names of the sponsoring local person or group.

(11) That only safety film motion pictures will be used where motion pictures are to be shown.

(12) That the proposed operation is in compliance with the zoning ordinance, as amended.

(13) The applicant will be required to furnish a sworn affidavit that no employee of the applicant has been convicted of a felony within ten (10) years.

(14) The applicant will file a sworn affidavit that there will be no obscene or nude performances; no gambling devices; no shell games; no activities of a wagering nature.

(15) The applicant will furnish a plan showing adequate off-street parking which will not congest traffic.

(16) The applicant will file a plan showing adequate sewage facilities for the disposal of sewage and all trash from the operation of the business including human excrement.

(17) The applicant will furnish a statement which will certify that the business will not be conducted in such a way as to create loud noises or disturb people sleeping in a residential neighborhood after 10:00 p.m.

(18) The applicant will furnish such other relevant information as the city clerk may require.

Such application shall include the name or names of the owner or owners, their address and the name or names of the manager or managerial personnel of the operation. (Ord. 834)

9-402. <u>General conditions to issuance of permit</u>. The city council shall not issue any permit required by this article, unless the applicant has made provision for:

(1) Adequate aisles, seats, platforms, and poles.

(2) Sufficient exits, well marked and properly lighted.

(3) Lighted and unobstructed passageways to areas leading away from the structure, so that fire-fighting equipment and personnel may operate easily.

(4) Removal, before the structure is to be used as a place of public assembly, of any pole, rope or other obstruction in any aisle or exit.

(5) Inspection before the opening of the show by the city electrical inspector to ascertain if any defect exists in the wiring and provision made for immediate correction of any defect which may be found.

(6) Sufficient first-aid fire appliances to be distributed through the structure with operating personnel familiar with the operation of such equipment available and assigned during the use of such structure as a place of assembly.

(7) Sufficient "NO SMOKING" signs visible at all times.

(8) An employee at each entrance to require the extinguishing of all cigarettes, cigars and other smoking materials.

(9) Announcement at frequent intervals to the persons in the structure that smoking is prohibited.

(10) Proper safeguarding of any open flame or its use prohibited.

(11) Prohibition of fireworks.

(12) The clearing of straw, dry grass, sawdust and any combustible trash from the structure before it is opened to the public and arrangements

made to keep the areas where debris may be expected to accumulate well serviced, especially under open seats.

(13) Proper facilities for calling the fire department and police department.

(14) Adequate police and fire personnel and equipment at the applicant's expense, for the control of persons in the assembly to prevent overcrowding, obstructions of aisles and exits and such other control as may be necessary to render the occupation of such structure or its use by the public safe.

(15) Rendering nonflammable the tent and canvas parts of the structure and all combustible decorative materials, including curtains, acoustic materials, streamers, cloth cotton batting, straw, vines, leaves, trees and moss. (Ord. 834)

9-403. <u>Permit fees</u>. (1) The following fees are to be paid to the city treasurer for permits required by this section, in addition to any other fee, tax or payment required by any other provision of the code or state statutes:

t requi	ed by any other provision of the code of state statutes.
(a)	Rodeo and wild west shows, per day \$150.00
(b)	Menageries, per day 75.00
(c)	Motor carnival, per day (first day) 100.00
	per day, (after first day) 75.00
	concessions, less than 20'x 20', per day 3.00
	concessions, 20'x 20' or more, per day 5.00
(d)	Circus, per day (first day) 100.00
	per day, (after first day) 75.00
	concession, less than 20'x 20' or more, per day 3.00
	concession, 20'x 20' or more, per day 5.00
(e)	Tent shows, per day
	per week
(f)	Any amusement or entertainment or show of any
	kind on any lot of land in the city, not included
	above; per day 20.00
	per week
m 1	

(2) The above fees shall not apply to those activities fostered and supervised by the recreation department of the City of Harriman, or to permanently located amusement facilities and any public organization that receives funding from the city and established service clubs within the city. (Ord. 834 and amended by ord. 976)

9-404. <u>Occupancy of structure prohibited prior to the issuance of permit</u>. It shall be unlawful for any person to cause or permit the occupancy of a structure for the purposes defined in this article as a place of assembly or entertainment unless the permit required by this article has been issued and the permit fee has been paid. (as added by Ord. 834) 9-405. <u>Liability insurance and cash bond</u>. The applicant for a permit required by this article shall furnish evidence that a public liability insurance policy in the amount of not less than three hundred thousand dollars (\$300,000.00) for one person and one million dollars (\$1,000,000.00) for any one accident, is in force and effect at the time such structure is to be occupied as a place of assembly by the public. The applicant shall deposit with the city coordinator a cash bond in the sum of one thousand dollars (\$1,000.00), conditioned that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the city coordinator that all conditions of this article have been complied with. (Ord. 834 and amended by ord. 976)

9-406. <u>Inspection of premises</u>. The municipal building inspector shall cause an inspection to be made at least forty-eight (48) hours prior to the first performance or to the erection of a structure for which a permit is required by this section, to determine if provisions of all health, safety, and zoning rules, regulations, and appropriate sections of this code are complied with or will be complied with in a satisfactory manner. (Ord. 834)

9-407. <u>Revocation of permit</u>. If the municipal building inspector finds that a structure is being maintained in violation of any of the provisions of this section, or in such a manner as to constitute a fire hazard, he may revoke the permit issued under this section and it shall thereafter be unlawful for any person to continue to operate the activity or show covered by such permit or to allow the occupancy of such structure. (Ord. 834)

LIMITATIONS ON VENDORS DURING PARADES

SECTION

- 9-501. Limitations.
- 9-502. Registration required.
- 9-503. Exemption.
- 9-504. Violation and penalty.

9-501. <u>Limitations</u>. On the dates that any parades or other outdoor community gatherings are scheduled in the City of Harriman, Tennessee, only local civic and/or service clubs or organizations will be allowed to engage in street vending within the City of Harriman. (as added by ord. 928, sec. 1)

9-502. <u>Registration required</u>. Any local civic and/or service club or organization desiring to engage in street vending at the times set forth under section 9-501, above, shall register with the city clerk of the City of Harriman, Tennessee, at least seven (7) days in advance of the dates vending is to be carried on. (Ord. 928, sec. 2)

9-503. <u>Exemption</u>. Nothing herein shall be construed as referring to gatherings at organized sports activities, at which places the persons in charge may determine the control of sales. (Ord. 928, sec. 3)

9-504. <u>Violation and penalty</u>. Violations of this chapter shall be punishable according to the general penalty provisions of this municipal code or ordinances. (Ord. 928, sec. 4, modified)

TITLE 10

ANIMAL CONTROL

CHAPTER

- 1. IN GENERAL.
- 2. DOMESTIC ANIMAL PETS.
- 3. DANGEROUS OR VICIOUS ANIMALS.
- 4. WILD OR EXOTIC ANIMALS.
- 5. RABIES AND DISEASE.
- 6. ENFORCEMENT.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
- 10-102. Animal control officer.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc. to be provided.
- 10-105. Keeping such as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Running at large prohibited.

10-101. <u>Definitions</u>. For the purposes of title 10, the following words and phrases shall have the meanings respectively hereinbelow ascribed to them:

(1) "Animal" shall mean any live vertebrate creature, domestic or wild, including birds, fish and reptiles, and excluding human beings.

(2) "Pet" shall mean any animal kept for pleasure rather than utility.

(3) "Domestic animal" shall mean any tame animal bred in captivity and which has never known the wild, or any other animal which is not hereinbelow defined as a wild or exotic animal.

(4) "Wild or exotic animal" shall mean any animal which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being those mammals or non-venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law as "ferae naturae". By way of example, such animals include, but are not limited to, any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, bear, deer, elephants, ostriches, sharks, any poisonous animal, fish or reptile, or any other warm blooded animal, poisonous snake or tarantula which can normally be found in the wild state, or any other member of crocodilian, including, but not limited to, alligators, crocodiles, caimans, and gavials. Wild or exotic animals specifically do not include domestic animals, animals of a species customarily used in the State of Tennessee as ordinary household pets, or animals of a species customarily used in the State of Tennessee as domestic farm animals, fish confined in an aquarium.

(5) "Dangerous or vicious animal" shall mean and include:

(a) Any domestic animal which attacks a human being or domestic animal without provocation; or

(b) Any domestic animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise reasonably endanger the safety of humans or other domestic animals; or

(c) Any dog known by the owner to be a pit bull terrier, which is defined as any American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding any of the characteristics of the aforementioned breed so as to be identifiable as partially of any or all of these aforementioned breeds.

(d) Any domestic animal declared by the animal control officer to be a dangerous or vicious animal, as defined herein, or any animal determined to be a dangerous or vicious animal under the authority of title 10, chapter 6, section 10-602 of this code.

10-102. <u>Animal control officer</u>. The position of animal control officer is hereby created, and said individual shall be appointed by the mayor. The animal control officer shall be considered an employee of the street and sanitation department and under the direct supervision of the supervisor of said department. This position, together with any operating expenses, shall be budgeted separately from the street and sanitation department budgets. The animal control officer shall enforce the provisions of title 10 of this code, and is hereby granted all powers, duties and responsibilities contained therein for this purpose.

10-103. <u>Pen or enclosure to be kept clean</u>. When any animal is kept within the corporate limits, the building, structure, corral, pen, or enclosure in which it is kept shall at all times be maintained in a clean and sanitary condition.

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

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle.

10-105. <u>Keeping such as to become a nuisance prohibited</u>. It shall be unlawful for any owner or caretaker to keep, harbour or maintain an animal in such a place or condition as to become a nuisance because of either odor, contagious disease, dangerous or vicious disposition, or other reason.

It shall also be unlawful for any owner or caretaker to keep, harbour or maintain any animal which, by loud and frequent production of sound unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, provided the provisions of this section shall not apply to duly authorized hospitals or clinics conducted for the treatment of animals.

10-106. <u>Cruel treatment prohibited</u>. It shall be unlawful for any person to kill, injure or otherwise abuse any animal within the corporate limits unless it be in defense of himself or another person. This section shall not apply to veterinarians, the animal control officer, or police officers if they are acting with the scope and course of their employment. The animal control officer, or any person under his direct supervision, may use tranquilizing equipment in capturing or controlling a dangerous, vicious or rabid animal or any animal which cannot otherwise be captured or controlled.

10-107. <u>Running at large prohibited</u>. It shall be unlawful for any owner or caretaker of an animal to wilfully, knowingly or negligently allow such animal to run at large in any street, alley, or unenclosed lot within the corporate limits.

DOMESTIC ANIMAL PETS

SECTION

- 10-201. Application.
- 10-202. Restriction on number of pets.
- 10-203. Permits.
- 10-204. Prohibition.
- 10-205. Exception.

10-201. <u>Application</u>. The provisions of title 10, chapter 2, sections 10-201 - 10-205 shall apply only to domestic animal pets.

10-202. <u>Restriction on number of pets</u>. No owner or caretaker of any residential building shall knowingly allow any pets over the age of four (4) months to be kept, harboured or maintained within any residential building or on any residential lot or parcel of property in the city without a permit, except as hereinbelow specified and provided.

<u>Maximum Number</u> of Pets Allowed	Lot of Parcel Size
3	One-quarter (1/4) acre or less
4	Exceeding one-quarter $(1/4)$ acre up to, and including, one-half $(1/2)$ acre
5	Exceeding one-half (1/2) acre up to, and including, three-quarter (3/4) acre
6	Exceeding three-quarter (3/4) acre up to, and including, one (1) acre
8	Exceeding one (1) acre up to, and including, two (2) acres
10	Exceeding two (2) acres up to and including three (3) acres

10-203. <u>Permits</u>. Any owner or caretaker of any residential building desiring to keep, harbour or maintain more pets than allowed in section 10-202 shall file a written application therefor upon a form provided by the animal

control officer, which application shall state the name, address and telephone number of the owner or caretaker, the size of the lot or parcel of property, the number and kind of pets desired to be kept, and a short statement of the reason(s) for the request.

The animal control officer shall review the information supplied by the owner or caretaker and inspect the residential building and/or lot or parcel of property after which he shall reasonably ascertain if any pets over the maximum number of pets herein provided should be allowed, and if he determines the same should be allowed, he shall decide how many pets will be allowed, and issue a permit therefor.

Any permit issued hereunder shall specify any restrictions, limitations, conditions or prohibitions which the animal control officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety.

Any permit issued hereunder may be modified from time to time or revoked by the animal control officer for failure to conform to the restrictions, limitations, conditions or prohibitions therein contained. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the owner or caretaker keeping, harbouring or maintaining such pets.

The fee for such permit shall be twenty-five dollars (\$25.00) which shall be paid at the time of the making of the application therefor.

10-204. <u>Prohibition</u>. No owner or caretaker of a domesticated animal pet shall be allowed to keep, harbour or maintain such animal inside a building or upon a lot or parcel of property which is not residential except as otherwise provided in title 10.

10-205. <u>Exception</u>. The provisions of this chapter do not apply to fish, amphibians, reptiles and birds which would be considered domestic animal pets and which are kept inside the building in an appropriate self-contained enclosure.

DANGEROUS OR VICIOUS ANIMALS

SECTION

- 10-301. Dangerous or vicious animals to be confined.
- 10-302. Restraint in public.
- 10-303. Causing animal to be dangerous or vicious.
- 10-304. Exception.

10-301. <u>Dangerous or vicious animals to be confined</u>. No owner or caretaker of a dangerous or vicious animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous or vicious animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; and, where no slab floor is provided, the sides must be embedded into the ground no less than one foot; and, all access points of the enclosure must be locked when the animal is confined therein.

10-302. <u>Restraint in public</u>. No owner or caretaker of a dangerous or vicious animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.

10-303. <u>Causing animal to be dangerous or vicious</u>. No person shall own, keep, harbour or maintain any animal for the purpose of fighting, or train, torment, badger or use any animal for the purpose of causing or encouraging such animal to commit unprovoked attacks upon human beings or domestic animals.

10-304. <u>Exception</u>. Dogs owned and controlled by local, state and federal law enforcement agencies which are used in law enforcement or related activities are exempt from the provisions of this chapter while engaged in such activities.

The enclosure requirement of section 10-301 of this chapter shall not apply to non-residential buildings or lots or parcels of property upon which are

housed guard dogs during the hours when such buildings or lots or parcels of property are not open to the general public; however, any such guard dog shall still be confined in an enclosure constructed in such a fashion as to make it impossible for the dog to escape the premises unless released by a person who is entering the premises without authorization during such non-public hours.

WILD OR EXOTIC ANIMALS

SECTION

10-401. Prohibition.

10-402. Exception.

10-403. Notice required at place of sale.

10-401. <u>Prohibition</u>. No person shall keep or permit to be kept on his premises any wild or exotic animal for any purpose or reason whatsoever, except as otherwise permitted hereinbelow.

10-402. Exception. The provisions of section 10-402 shall not apply to properly licensed and lawfully operated and located pet shops, menageries, zoological gardens, scientific research laboratories, circuses, animal exhibitions, or veterinary clinics, provided that the animal is maintained in quarters so constructed and maintained as to prevent escape, and the exempt person, business, organization or entity complies with all applicable federal, state and local laws, rules and regulations for the care and maintenance of such animal. Further, in no case shall such animal be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such animal. This prohibition shall not apply to the riding of elephants by persons other than the elephants' handlers while under the direct supervision of the elephants' handlers where such elephants are performing in zoological parks, animal exhibitions or circuses.

10-403. <u>Notice required at place of sale</u>. Any person who offers for sale a wild or exotic animal as defined in chapter 1, section 10-101 (4) of this title shall post conspicuously at the place of sale or display the following notice:

"No person may lawfully keep or permit to be kept within the corporate limits of the City of Harriman, Tennessee, any live wild or exotic animal, which shall mean any animal which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or significant destruction of property. Such animals are further defined as being those mammals or non-venomous reptiles, excluding non-poisonous snakes, weighing over fifty (50) pounds at maturity which are known at law as "ferae naturae". By way of example, such animals include, but are not limited to, any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, bear, deer, elephants, ostriches, sharks, any poisonous animal, fish or reptile, or any other warm blooded animal, poisonous snake or tarantula which can normally be found in the wild state, or any other member of crocodilian, including, but not limited to, alligators, crocodiles, caimans, and gavials."

RABIES AND DISEASE

SECTION

10-501. Rabies vaccination and registration required.

10-502. Animal to wear tags.

10-503. Confinement of animal suspected of being rabid or diseased.

10-501. <u>Rabies vaccination and registration required</u>. It shall be unlawful for any person to own, keep, or harbor any animal requiring a rabies vaccination without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (<u>Tennessee Code Annotated</u>, sections 68-8-101 through 68-8-115) or other applicable law.

10-502. <u>Animal to wear tags</u>. It shall be unlawful for any person to own, keep, or harbor any animal requiring a rabies vaccination which does not wear a tag evidencing the vaccination and registration required by the preceding section.

10-503. <u>Confinement of animal suspected of being rabid or diseased</u>. If any animal has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies or other disease, the animal control officer shallcause such animal to be confined or isolated for such time as he deems reasonably necessary to determine if such animal or fowl is rabid or diseased.

ENFORCEMENT

SECTION

- 10-601. Disposition of animal running at large.
- 10-602. Disposition of dangerous, vicious or infected animal.

10-603. Penalties.

10-604. Applicability.

10-601. Disposition of animal running at large. Any animal found running at large may be seized by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer and placed in the city pound. If the animal is wearing a tag the owner or caretaker shall be notified in person or by telephone, if possible, and by the mailing of written notice thereof by certified mail to the owner's or caretaker's last known mailing address to appear within five (5) days and redeem his animal. If the animal is not wearing a tag and its owner or caretaker cannot be reasonably determined, a notice describing the impounded animal will be posted in at least three (3) public places within the corporate limits. In either case, the notice shall state that the impounded animal must be claimed within five (5) days by paying the pound fees or the same will be sold or humanely destroyed. If not legally claimed by the owner, the animal shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. No animal shall be released in any event from the pound unless or until such animal has been vaccinated as provided by law and had a tag evidencing such vaccination placed on its collar.

The animal control officer shall collect from each person claiming an impounded animal reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment, maintenance, upkeep and vaccination of the animal.

10-602. <u>Disposition of dangerous, vicious or infected animal</u>. Any dangerous, vicious, rabid, diseased or otherwise infected animal found running at large, and which can be safely impounded, shall be seized by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer and placed in the city pound or a veterinary clinic.

If the impounded animal is wearing a tag the owner or caretaker shall be notified in person or by telephone, if possible, and by the mailing of written notice thereof by certified mail to the owner's or caretaker's last known mailing address of such impoundment, the reasons therefor, and the conditions, restrictions and limitations under which the owner or caretaker may redeem his animal. If the animal is not wearing a tag and its owner or caretaker cannot be

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reasonably determined, a notice describing the impounded animal will be posted in at least three (3) public places within the corporate limits describing thereon the conditions, restrictions and limitations under which the owner or caretaker may redeem his animal. The notice herein described shall also inform the owner of when and where the animal may be redeemed, and the animal must be claimed at the time and place provided by paying the pound and/or veterinary fees of the same will be sold or humanely destroyed. If not legally claimed by the owner, the animal shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. No animal shall be released in any event from the pound unless or until such animal has been vaccinated as provided by law and had a tag evidencing such vaccination placed on its collar.

If, in the judgement of the animal control officer the animal should not be returned to the owner or caretaker thereof because the risk of returning the animal would create an unreasonable risk of harm or injury to a human being, any domestic animal or the animal itself, he shall notify the owner or caretaker thereof in the same manner as the other notifications required in this section, and he shall give the owner or caretaker no more than five (5) days in which to take the appropriate steps to alleviate said risk or the animal will be destroyed. If the owner or caretaker does not take the appropriate steps to alleviate the risk identified by the officer within the time prescribed, then the animal shall be humanely destroyed.

When, due to its dangerousness, viciousness or apparent infection with rabies or other disease, an animal found running at large cannot be safely impounded it may be summarily destroyed by any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer.

Any police officer or the animal control officer or any person acting under the direct supervision of any police officer or the animal control officer is authorized to seize and impound, and the animal control officer is authorized to order the humane destruction or other disposition, of any animal which:

(1) Has bitten one or more persons on two (2) or more occasions, or

(2) Has caused serious bodily injury or disfigurement to any person,

(3) Has killed any person, or

or

(4) Has caused serious bodily injury or disfigurement to any domestic animal.

Any animal which has taken any of the actions enumerated in (1) - (4) of this section is hereby determined to be a dangerous or vicious animal.

10-603. <u>Penalties</u>. Any person who violates any of the provisions of title 10, and is found guilty thereof shall be fined not more than one hundred dollars (\$100.00). Each day the violation continues shall be treated as a separate offense.

10-604. <u>Applicability</u>. The provisions of title 10 shall not apply to properly licensed and lawfully operated and located pet shops, menageries, zoological gardens, scientific research laboratories, circuses, animal exhibitions, or veterinary clinics, provided that the animal is maintained in quarters so constructed and maintained as to prevent escape, and the exempt person, business, organization or entity complies with all applicable federal, state and local laws, rules and regulations for the care and maintenance of such animal. However, such exempt person, business, organization or entity as herein enumerated shall be subject to any additional requirements imposed in title 10 upon said exempt person, business, organization or entity.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

- 1. ALCOHOL.
- 2. FORTUNE TELLING, ETC.
- 3. OFFENSES AGAINST THE PEACE AND QUIET.
- 4. FIREARMS, WEAPONS AND MISSILES.
- 5. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
- 6. MISCELLANEOUS.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking alcoholic beverages in public, etc.
- 11-102. Minors in beer places.
- 11-103. Violations and penalty.

11-101. <u>Drinking alcoholic beverages in public, etc</u>. It shall be unlawful for any person to drink, consume or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place.

11-102. <u>Minors in beer places</u>. No person under the age of twenty-one (21) shall loiter in or around or otherwise frequent any place where beer is sold at retail for on premises consumption.

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

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See <u>Tennessee Code Annotated</u> § 33-8-203 (<u>Arrest for Public</u> <u>Intoxication</u>, cities may not pass separate legislation). 11-103. <u>Violations and penalty</u>. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

FORTUNE TELLING, ETC.

SECTION 11-201. Fortune telling, etc.

11-201. <u>Fortune telling, etc</u>. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. A violation of this section shall subject the offender to a penalty of up to seventy-five dollars (\$75) for each offense.

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-303. Violation and penalty.

11-304. Noise pollution--engine compression braking devices regulated.

11-301. <u>Disturbing the peace</u>. 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.

11-302. <u>Anti-noise regulations</u>. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-303. <u>Violation and penalty</u>. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

11-304. Noise pollution--engine compression braking devices regulated.

(1) All truck tractor and semi-trailers operating within the City of Harriman shall conform to the visual exhaust system inspection requirements, 40 C.F.R. 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) of this section if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (small traces of soot on flexible exhaust pipe sections shall not constitute a violation);

(b) Is not equipped with either amuffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a fine of fifty dollars (\$50.00) per offense. (as added by Ord. #07-01-01, Feb. 2007)

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Discharge of firearms.

11-401. <u>Air rifles, etc</u>. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. A violation of this section shall subject the offender to a penalty of up to seventy-five (\$75) for each offense.

11-402. <u>Throwing missiles</u>. It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense.

11-403. <u>Discharge of firearms</u>. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. A violation of this section shall subject the offender to a penalty of up to two hundred fifty dollars (\$250) for each offense.

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

11-501. Trespassing.

11-502. Interference with traffic.

11-503. Violation and penalty.

11-501. <u>Trespassing</u>.¹ (1) <u>On premises open to the public</u>.

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

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

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

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

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

(5) <u>Peddlers, etc</u>. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.²

²Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

¹State law reference

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

11-9

11-502. <u>Interference with traffic</u>. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon.

11-503. <u>Violation and penalty</u>. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

MISCELLANEOUS

SECTION

- 11-601. Abandoned refrigerators, etc.
- 11-602. Caves, wells, cisterns, etc.
- 11-603. Posting notices, etc.
- 11-604. Deleted.

11-601. <u>Abandoned refrigerators, etc.</u> It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense.

11-602. <u>Caves, wells, cisterns, etc.</u> 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. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense.

11-603. <u>Posting notices, etc.</u> No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense. Each posting of such unauthorized notice shall constitute a separate offense.

11-604. [<u>Deleted</u>.] (as added by Ord. #1013-03, Nov. 2013, and deleted by Ord. #0116-01, Jan. 2016)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

- 1. BUILDING CODES.
- 2. PLUMBING CODE.
- 3. FUEL GAS CODE.
- 4. RESIDENTIAL CODE.
- 5. ELECTRICAL CODE.
- 6. UNSAFE BUILDING ABATEMENT CODE.
- 7. ENERGY CONSERVATION CODE.
- 8. PROPERTY MAINTENANCE CODE.
- 9. MECHANICAL CODE.
- 10. EXISTING BUILDING CODE.

CHAPTER 1

BUILDING CODES

SECTION

- 12-101. Building codes adopted.
- 12-102. Modifications.
- 12-103. Available in clerk's office.
- 12-104. Violations and penalty.

12-101. <u>Building codes adopted</u>.² A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the 2018 <u>International Building Code</u> (IBC), excluding Chapter 27, and including Appendix, A, B, C, D, E, F, G, H, I, J and K, the 2018 <u>International Existing Building Code</u> including Appendix A and B, the 2018 <u>International Fire Code</u> including Appendix A, B, C, D, E, F, and G, the 2018 <u>International Fuel Gas Code</u> including Appendix A, B, C and D, the 2018 <u>International Mechanical Codes</u> including Appendix A and B, the 2018

- Fire protection, fireworks, and explosives: title 7.
- Planning and zoning: title 14.

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

¹Municipal code references

Streets and other public ways and places: title 16. Utilities and services: titles 18 and 19.

<u>International Plumbing Code</u> including Appendix B, C, D, E, F, and G, the 2018 <u>International Property Maintenance Code</u>, and the 2012 NFPA 1 <u>Uniform Fire</u> <u>Code</u>, including the provisions for the issuance of permits, collection of fees as well as all regulations, penalties and terms contained in said codes. (Ord. 746, modified, as replaced by Ord. #06-04-01, May 2006, Ord. #0111-01, Feb. 2011, Ord. #0413-02, April 2013, and Ord. #1218-01, Jan. 2019)

12-102. <u>Modifications</u>. The following sections are hereby revised:

Section 903.2.8. Section 903.2.8 of the IBC is amended to exclude all oneand two-family dwellings from the requirement of automatic fire systems. (Ord. 746, modified, as replaced by Ord. #06-04-01, May 2006, Ord. #0111-01, Feb. 2011, and Ord. #0413-02, April 2013, and Ord. #1218-01, Jan. 2019)

12-103. <u>Available in clerk's office</u>. Pursuant to the requirements of the <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the building code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public. (Ord. 746, modified)

12-104. <u>Violations and penalty</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the codes as herein adopted by reference. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) as prescribed by law, for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. 745, modified, as amended by Ord. #06-04-01, May 2006, and Ord. #1218-01, Jan. 2019)

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in clerk's office.

12-204. Violations and penalty.

12-201. <u>Plumbing code adopted</u>. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the <u>International Plumbing Code</u>,² 2012 edition, including Appendix Chapter B, C, D, E and F, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Harriman, in the State of Tennessee for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 12-202 of this chapter. (Ord. 746, modified, as replaced by Ord. #06-04-03, May 2006, Ord. #0111-03, Feb. 2011, and Ord. #0413-04, April 2013)

12-202. <u>Modifications</u>. The following sections are hereby revised: Section 101.1: City of Harriman.
Section 106.6.2: as adopted by resolution.
Section 106.6.3: 50%, 50%.
Section 108.4: municipal code violation, \$50, as prescribed by law.
Section 108.5: \$50, as prescribed by law.
Section 305.4.1: 12 inches, 12 inches.

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.

Section 903.1: 12 inches. (Ord. 746, modified, as replaced by Ord. #06-04-03, May 2006, Ord. #0111-03, Feb. 2011, and Ord. #0413-04, April 2013)

12-203. <u>Available in clerk's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the plumbing code has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (Ord. 746, modified)

12-204. <u>Violations and penalty</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) as prescribed by law, for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. 746, modified, as amended by Ord. #06-04-03, May 2006)

FUEL GAS CODE¹

SECTION

- 12-301. Fuel gas code adopted.
- 12-302. Piping installed prior to adoption of gas code.
- 12-303. License and bond required for engaging in gas business.
- 12-304. Administration and enforcement of the gas code.
- 12-305. Inspections, disconnections, etc.
- 12-306. When gas installation permits are required.
- 12-307. Rough piping and final piping inspections.
- 12-308. Certificates of approval.
- 12-309. Inspection fees.
- 12-310. Violations.
- 12-311. No liability assumed by city.
- 12-312. Severability clause.
- 12-313. Definitions.
- 12-314. Available in clerk's office.

12-301. <u>Fuel gas code adopted</u>. (1) A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the <u>International Fuel Gas Code</u>,² 2012 edition including Appendices A, B, C and D as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Harriman, in the State of Tennessee for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the Office of the City of Harriman are hereby referred to, adopted, and mad a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in subsection (2) of this section.

(2) The following sections are hereby revised:

Section 101.1. Insert: City of Harriman.

Section 106.6.2 Insert: as adopted by resolution.

Section 106.6.3 Insert: 50%, 50%.

Section 108.4. Insert: municipal code violation, \$50, as prescribed by law.

²Copies of the fuel gas code and its amendments may be purchased from the International Code Congress, 900 Montclair Road, Birmingham, AL 35213.

¹Municipal code reference

Street excavations and operation of gas system: titles 16 and 19.

Section 108.5. Insert: \$50, as prescribed by law. (Ord. 746, modified, as replaced by Ord. #0413-10, April 2013)

12-302. <u>Piping installed prior to adoption of gas code</u>. Notwithstanding any provision in this chapter or 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 this chapter and the gas code. (Ord. 746)

12-303. License and bond required for engaging in gas business.

(1)No person, firm, or corporation shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances until such person, firm, corporation engaging in such business shall have secured a license as hereinafter provided, and shall have given a good and sufficient bond payable to the City of Harriman, Tennessee, in the sum of \$15,000.00 which bond shall be delivered to the gas inspector and shall be filed by him with his records after same has been approved by the Harriman Utility Said bond shall be made by an approved surety company duly Board. authorized to do business in the State of Tennessee, and shall be approved by the Harriman Utility Board, same to be conditioned that the person, firm, or corporation engaging in said business will faithfully observe all the laws of the City of Harriman pertaining to the gas fitting business, blasting, and excavating and all rules and regulations established under the authority of the gas code. Said bond shall further indemnify and save harmless the City of Harriman from all claims arising from accidents and damages of any character whatsoever caused by negligence of such person, firm, or corporation in doing said work or by any unfaithful or inadequate work done by the parties themselves, their agents, or employees. The said bond shall be for the benefit of all persons injured or aggrieved by any violation of or neglect to observe the requirements of the gas code, or the laws and ordinances of the City of Harriman, and it shall be the duty of the person, firm, or corporation engaging in such business to see that said bond is maintained in active status as long as the person, firm, or corporation engages in this type work within the City of Harriman or connects to lines served by the Harriman Utility Board. Upon failure or refusal to comply with this condition, the City of Harriman, Tennessee, acting through its operating agent, the Harriman Utility Board, and the gas inspector, will refuse permits for installing gas piping and gas appliances.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city treasurer 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 an annual license fee in the same amount required by state law, to the city treasurer.

(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 this chapter and the gas code; including those relating to permits, inspections, and fees. (Ord. 746)

12-304. <u>Administration and enforcement of the gas code</u>. To provide for the administration and enforcement of this chapter and the gas code, the office of gas inspector is hereby created. From and after the effective date of these provisions the gas inspector shall be named by and under the general supervision of the Harriman Utility Board, Harriman, Tennessee, and it shall be the duty of said board to see that the provisions of this chapter and the gas code are carried out and specifically as same relate to the gas inspector, his office and duties. From and after the effective date of these provisions all applications for permits shall be made to the office of the Harriman Utility Board and all fees properly chargeable hereunder shall be collected by said board. (Ord. 746)

12-305. <u>Inspections, disconnections, etc</u>. (1) The inspector is authorized and directed to enforce all of the provisions of this chapter and the gas code and the inspector, by permission of the owner or lessee, or upon issuance of a property warrant, may enter any building or premises 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 sate that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the city officials from time to time for their consideration. (Ord. 746)

Change 4, March 11, 2014

12-306. <u>When gas installation permits are required</u>. (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented recessed heater, 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 as inspector; 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 inspector 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) 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. (Ord. 746)

12-307. <u>Rough piping and final piping inspections</u>. (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 or not less than the pressure of a column of mercury twelve (12) inches in height, and the piping shall hold this air pressure for a period of at least fifteen (15) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the tests shall be furnished by the installer of such piping. (Ord. 746)

12-308. <u>Certificates of approval</u>. 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 this chapter and 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. (Ord. 746)

12-309. <u>Inspection fees</u>. (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to four outlets, inclusive, and \$0.50 for each outlet above four.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented recessed heaters and water heaters shall be \$1.00 per unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (Ord. 746)

12-310. <u>Violations</u>. Any person who shall fail to comply with or violate any other provision of this chapter or the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause of the Harriman Municipal Code, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (Ord. 746)

12-311. <u>No liability assumed by city</u>. This chapter shall not be construed as imposing upon the City of Harriman any liability or responsibility for damages to any person injured by any defect in any gas piping or appliances mentioned herein, or by installation thereof, not shall the City of Harriman, 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. (Ord. 746)

12-312. <u>Severability clause</u>. Should any section, paragraph, sentence, or word of this chapter or of the code hereby adopted by declared for any reason to be invalid then such decision shall affect only the section or provision so declared to be invalid and shall not affect any other section or provision of this chapter or the code hereby adopted. (Ord. 746)

12-313. <u>Definitions</u>. The following definitions are provided for the purpose of interpretation and administration of this chapter and the gas code:

(1) "Inspector" means the person named by the Harriman Utility Board as the gas inspector, such inspector to serve for the term set by the board or subject to the will of the board.

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

(3) "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.

(4) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented recessed heaters, water heaters, and boilers. (Ord. 746)

12-314. <u>Available in clerk's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, section 6-54-502, one (1) copy of the gas code with the above modifications, has been placed on file in the office of the city clerk of

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the City of Harriman and shall be kept there available for public use, inspection, and examination. (Ord. 746, modified)

RESIDENTIAL CODE

SECTION

12-401. Residential code adopted.

12-402. Modifications.

12-403. Available in clerk's office.

12-404. Violations and penalty.

12-401. <u>Residential code adopted</u>. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk of the City of Harriman, being marked and designated as the 2018 <u>International Residential Code</u>,¹ excluding chapters 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43 and including appendix A, B, C, F, G, H, J, L, N, P, Q, R, S and T as published by the International Code Council, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided. Additionally, all regulations penalties, and terms contained therein is included upon adoption. (Ord. 746, modified, as replaced by Ord. #06-04-02, May 2006, Ord. #0111-02, Feb. 2011, Ord. #0413-03, April 2013, and Ord. #1218-02, Jan. 2019)

12-402. <u>Modifications</u>. The following sections are hereby revised:

Table N1102.2.2 Insulation and Fenestration Requirements by Component. Table N1102.2.2 Insulation and Fenestration Requirements by Component of the 2018 IRC shall be amended upon adoption as follows:

- (1) In the row for Climate Zone 4 except Marine, change the following; Ceiling R-Value from "49" to "38"; Wood Frame Wall R-Value from "20" or " 13+5" to " 13 "; and Mass Wall R-Value from "8/13" to "5/1 0".
- (2) In the row for Climate Zone 4 except Marine, change the following; Ceiling U-factor from "0.026" to "0.030"; Wood Frame Wall U-Factor from "0.060" or "0.082" to "13"; and Mass Wall U-Factor from "0.098" to "0.141".

Section N1102.4.1.2 (R402.4.1.2). Section N1102.4.1.2 (R402.4.1.2) of the 2018 IRC regarding testing shall be deleted in its entirety upon adoption.

Section N1103.3.3 (R403.3.3). Section N1103.3.3 (R403.3.3) of the 2018 IRC regarding Duct testing shall be deleted in its entirety upon adoption. (Ord.

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

746, modified, as replaced by Ord. #06-04-02, May 2006, Ord. #0111-02, Feb. 2011, Ord. #0413-03, April 2013, and Ord. #1218-02, Jan. 2018)

12-403. <u>Available in clerk's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the housing code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public. (Ord. 746, modified)

12-404. <u>Violations and penalty</u>. 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. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. 746, modified, as amended by Ord. #06-04-02, May 2006)

ELECTRICAL CODE¹

SECTION

- 12-501. Electrical code adopted.
- 12-502. Available in clerk's office.
- 12-503. Permit required for doing electrical work.
- 12-504. Violations.
- 12-505. Enforcement.

12-506. Fees.

12-501. <u>Electrical code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, sections 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the <u>National Electrical Code</u>,² 1984 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (Ords. 724 and 725, modified)

12-502. <u>Available in clerk's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, section 6-54-502, one (1) copy of the electrical code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public. (Ords. 724 and 725, modified)

12-503. <u>Permit required for doing electrical work</u>. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (Ords. 724 and 725, modified)

12-504. <u>Violations</u>. 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

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

¹Municipal code reference

Fire protection, fireworks and explosives: title 7.

circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (Ords. 724 and 725, modified)

12-505. <u>Enforcement</u>. The electrical inspector shall be such person as the city council 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. (Ords. 724 and 725, modified)

12-506. <u>Fees</u>. The electrical inspector shall collect the same fees as are authorized in <u>Tennessee Code Annotated</u>, section 68-17-143 for electrical inspections by deputy inspectors of the state fire marshal. (Ords. 724 and 725, modified)

UNSAFE BUILDING ABATEMENT CODE

SECTION

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

12-601. <u>Unsafe building abatement code adopted</u>. Pursuant to authority granted by <u>Tennessee Code Annotated</u>, §§ 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 <u>Standard Unsafe Building Abatement</u> <u>Code</u>,¹ 1985 edition as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the unsafe building abatement code. (Ord. 921, modified)

12-602. <u>Modifications</u>. <u>Definitions</u>. Whenever the unsafe building abatement code refers to the "Chief Appointing Authority," or the "Chief Administrator" it shall be deemed to be a reference to the city council. When the "Building Official" is named it shall, for the purposes of the unsafe building abatement code, mean such person as the city council has appointed or designated to administer and enforce the provisions of the unsafe building abatement code. (Ord. 921, modified)

12-603. <u>Available in clerk's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 6-54-502 one (1) copy of the unsafe building abatement code has been placed on file in the clerk's office and shall be kept there for the use and inspection of the public.

12-604. <u>Violations</u>. It shall be unlawful for any person to violate or fail to comply with any provision of the unsafe building abatement code as herein adopted by reference and modified. (Ord. 921)

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

ENERGY CONSERVATION CODE¹

SECTION

12-701. Energy conservation code adopted.

12-702. Available in recorder's office.

12-701. <u>Energy conservation code</u>. (1) A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the <u>International Energy Conservation Code</u>,² 2006 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Harriman, in the State of Tennessee for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in subsection (2) of this section.

(2) The following sections are hereby revised:

Section C101.1. Insert: City of Harriman.

Section R101.1. Insert: City of Harriman.

Table C402.2. Replace with Table 502.2(1) and (2) from the 2006 edition of the IECC.

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 International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

¹State law reference

<u>Tennessee Code Annotated</u>, § 13-19-106 requires Tennessee cities <u>either</u> to adopt the Model Energy Code, 1992 edition, the International Energy Conservation Code, 2000 edition with 2002 amendments, or to adopt local standards equal to or stricter than the standards in the energy code.

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Table R402.1.1. Replace with Table 402.1.1 from the 2006 edition of the IECC. (as added by Ord. #06-0 4-05, May 2006, and replaced by Ord. #0111-06, Feb. 2011, and Ord. #0413-07, April 2013)

12-702. <u>Available in recorder's office</u>. Pursuant to the requirements of the <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the energy code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (as added by Ord. #06-04-05, May 2006)

PROPERTY MAINTENANCE CODE

SECTION

12-801. Property maintenance code adopted.

12-802. Modifications.

12-803. Available in recorder's office.

12-801. Property maintenance code. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the International Property Maintenance Code,¹ 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Harriman, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 12-802 of this chapter. (as added by Ord. #06-04-06, May 2006, and replaced by Ord. #0111-07, Feb. 2011, and Ord. #0413-08, April 2013)

12-802. <u>Modifications</u>. The following sections are hereby revised:

Section 101.1. Insert: City of Harriman

Section 102.3. Delete: "International Zoning Code." and insert in its place "adopted codes, ordinances, and resolutions of the City of Harriman."

Section 103.5. Insert: As adopted by resolution.

Section 302.1.1. Insert: <u>Dirty lots</u>. It shall be unlawful for any owner of record or occupant of real property to create, maintain, or permit to be maintained on such property the accumulation of debris, trash, litter, garbage, disassembled or inoperable lawn mowing equipment and parts.

Section 302.4. Insert: "12 inches," and insert after . . . other than trees or shrubs provided, "no shrubs shall exceed 4 feet in height within 20 feet of the house."

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

Section 302.8. Insert after: no inoperative or unlicensed motor vehicles, "including but not limited to water craft, RV's and campers." Insert: no vehicle, "including but not limited to water craft, RV's and campers"...shall at any time be in a state of disrepair.

Section 303.3. Insert: <u>Abandoned pools</u>. All abandoned swimming pools shall be filled with concrete, dirt, or such other protective material as is necessary to prevent the accumulation of water within such abandoned pool. Any pool which is maintained or exists in such condition as to demonstrate the intent of the owner that they are not to be in use for an indefinite period of time or any swimming pool not in use for a period of one year shall be presumed to be abandoned."

Section 304.14. Insert: During the period from March 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms for rental and leased property only . . .shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. . .

Section 602.3. Insert: during the period from September 15 to April 15 to maintain a temperature of not less than 68 for rental and leased property only . . ."

Section 602.4. Insert: "Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to April 15 to maintain a minimum temperature of 65° F for rental and leased property only" (as added by Ord. #06-04-06, May 2006, and replaced by Ord. #0111-07, Feb. 2011, and Ord. #0413-08, April 2013)

12-803. <u>Available in recorder's office</u>. Pursuant to the requirements of the <u>Tennessee Code Annotated</u>, § 6-54-502, one (1) copy of the <u>International</u> <u>Property Maintenance Code</u> has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. Administrative regulations adopting amendments to the international property maintenance code will be placed on file when they are published by the building inspector, and at least fifteen (15) days before their effective date. (as added by Ord. #06-04-06, May 2006)

MECHANICAL CODE¹

SECTION

12-901. Mechanical code adopted.

12-902. Modifications.

12-903. Available in recorder's office.

12-901. <u>Mechanical code adopted</u>. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the <u>International Mechanical Code</u>,² 2012 edition including Appendix A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code for the City of Harriman, in the State of Tennessee for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the Office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 12-902 of this chapter. (as added by Ord. #06-04-04, and replaced by Ord. #0111-05, Feb. 2011, and Ord. #0413-06, April 2013)

12-902. <u>Modifications</u>. The following sections are hereby revised:

Section 101.1. Insert: City of Harriman

Section 106.5.2. Insert: as adopted by resolution.

Section 106.5.3. Insert: 50%, 50%.

Section 108.4. Insert: municipal code violation, \$50, as prescribed by law. Section 108.5. Insert: \$50, as prescribed by law. (as added by Ord. #06-04-04, and replaced by Ord. #0111-05, Feb. 2011, and Ord. #0413-06, April 2013)

- 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.

¹Municipal code references

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12-903. <u>Available in recorder's office</u>. Pursuant to the requirements of <u>Tennessee Code Annotated</u>, § 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. (as added by Ord. #06-04-04)

EXISTING BUILDING CODE

SECTION

12-1001. Existing building code adopted.

12-1002. Modifications.

12-1001. <u>Existing building code adopted</u>. A certain document, one (1) copy of which is on file in the Office of the Harriman City Clerk, being marked and designated as the <u>International Existing Building Code</u>,¹ 2012 edition including Appendices A, B and Resource A, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Harriman, in the State of Tennessee for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the City of Harriman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in § 12-1002 of this chapter. (as added by Ord. #0111-08, Feb. 2011, and replaced by Ord. #0413-09, April 2013)

12-1002. <u>Modifications</u>. The following sections are hereby revised: Section 101.1. Insert: City of Harriman.

Section [A] 101.2. Scope. At the end of the section insert: "The use of this code shall not exempt any portion of any existing building from any of the requirements of the 2012 NFPA 101 Life Safety Code."

Section [B] 1401.2. Delet: "[DATE TO BE INSERTED BY THE JURISDICTION]" and insert "the effective date of the building codes within the jurisdiction" in its place. (as added by Ord. #0111-08, Feb. 2011, and replaced by Ord. #0413-09, April 2013)

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. GENERAL.

- 2. SLUM CLEARANCE.
- 3. JUNKYARDS.
- 4. JUNKED OR ABANDONED MOTOR VEHICLES.
- 5. TREES.

CHAPTER 1

GENERAL

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Overgrown and dirty lots.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. Violations and penalty.

13-101. <u>Smoke, soot, cinders, etc</u>. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1974 code, sec. 8-405)

13-102. <u>Stagnant water</u>. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1974 code, sec. 8-406)

13-103. <u>Weeds and grass</u>. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds

Littering streets, etc.: section 16-107.

¹Municipal code references

Animal control: title 10.

Toilet facilities in beer places: section 8-213(12).

Wastewater treatment: title 18, chapter 2.

on his property, and it shall be unlawful for any person to fail to comply with an order by the building inspector to cut such vegetation when it has reached a height of over one (1) foot. (1974 code, sec. 8-407, modified)

13-104. <u>Overgrown and dirty lots</u>.¹ (1) <u>Prohibition</u>. Pursuant to the authority granted to municipalities under <u>Tennessee Code Annotated</u>, section 6-54-113, it shall be unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations 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.

(2) <u>Limitation on application</u>. The provisions of this section shall not apply to any parcel of property upon which an owner-occupied residence is located.

(3) <u>Designation of public officer or department</u>. The city council shall designate an appropriate department or person to enforce the provisions of this section.

(4) <u>Notice to property owner</u>. It shall be the duty of the department or person designated by the city council to enforce this section to serve notice upon the owner of record in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (or twenty (20) days if the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), excluding Saturdays, Sundays, and legal holidays. The notice shall be sent by registered or certified 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, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner is in violation of section 13-104 of the Harriman Municipal Code, which has been enacted under the authority of <u>Tennessee Code Annotated</u>, section 6-54-113, and that the property of such owner may be cleaned-up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

¹Municipal code reference

Section 13-103 applies to cases where the city wishes to prosecute the offender in city court. Section 13-104 can be used when the city seeks to clean up the lot at the owner's expense and place a lien against the property for the cost of the clean-up but not to prosecute the owner in city court.

This title, chapter 2.

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

Clean-up at property owner's expense. If the property owner of (5)record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewage, or other materials), the department or person designated by the city council to enforce the provisions of this section shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the cost thereof shall be assessed against the owner of the property. Upon the filing of the notice with the office of the register of deeds in Roane County, the costs shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These cost shall be placed on the tax rolls of the municipality as a lien and shall be added to property tax bills to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(6) <u>Appeal</u>. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the city council. The appeal shall be filed with the building inspector within ten (10) days following the receipt of the notice issued pursuant to subsection (3) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(7) <u>Judicial review</u>. Any person aggrieved by an order or act of city council under subsection (5) above may seek judicial review of the order or act. The time period established in subsection (4) above shall be stayed during the pendency of judicial review.

(8) <u>Supplemental nature of this section</u>. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. 13-105. <u>Dead animals</u>. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the animal control officer and dispose of such animal in such manner as the animal control officer shall direct.

13-106. <u>Health and sanitation nuisances</u>. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1974 code, sec. 8-409)

13-107. <u>Violations and penalty</u>. Violations of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances except that violations of section 13-104 shall be handled in accordance with the provisions of that section.

SLUM CLEARANCE¹

SECTION

- 13-201. Findings of city council.
- 13-202. Definitions.
- 13-203. "Public officer" designated; powers.
- 13-204. Initiation of proceedings; hearings.
- 13-205. Orders to owners of unfit structures.
- 13-206. When public officer may repair, etc.
- 13-207. When public officer may remove or demolish.
- 13-208. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-209. Basis for a finding of unfitness.
- 13-210. Service of complaints or orders.
- 13-211. Enjoining enforcement of orders.
- 13-212. Additional powers of public officer.
- 13-213. Powers conferred are supplemental.

13-201. <u>Findings of city council</u>. Pursuant to <u>Tennessee Code Annotated</u>, section 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. 1009)

13-202. <u>Definitions</u>. (1) "Municipality" shall mean the City of Harriman, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(2) "Governing body" shall mean the city council charged with governing the city.

(3) "Public officer" shall mean the officer or officers who are authorized by this chapter to exercise the powers prescribed herein and pursuant to <u>Tennessee Code Annotated</u>, section 13-21-101, et seq.

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

¹State law reference

Tennessee Code Annotated, title 13, chapter 21.

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

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

(7) "Structures" shall mean any building or structure, or part thereof, used for human occupation and intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. (Ord. 1009)

13-203. <u>"Public officer" designated; powers</u>. There is hereby designated and appointed a "public officer," to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. 1009)

13-204. <u>Initiation of proceedings; hearings</u>. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. 1009)

13-205. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order: (1) if the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupancy or use; or (2) if the repair, alteration or improvement of the structure for human occupancy or use; or (2) if the repair, alteration to the value of the structure for human occupancy be made at a reasonable cost in relation to the value of the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure for human occupancy or use; or (2) if the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed

fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. 1009)

13-206. <u>When public officer may repair, etc</u>. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. 1009)

13-207. <u>When public officer may remove or demolish</u>. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. 1009)

13-208. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Roane County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Roane County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City of Harriman to define and

declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. 1009)

13-209. <u>Basis for a finding of unfitness</u>. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Harriman; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of a dequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness. (Ord. 1009)

13-210. <u>Service of complaints or orders</u>. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Roane County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. 1009)

13-211. <u>Enjoining enforcement of orders</u>. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such suit in the court. (Ord. 1009)

13-212. <u>Additional powers of public officer</u>. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. 1009)

13-213. <u>Powers conferred are supplemental</u>. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. 1009)

JUNKYARDS¹

SECTION

- 13-301. Definitions.
- 13-302. Junkyard screening.
- 13-303. Screening methods.
- 13-304. Requirements for effective screening.
- 13-305. Maintenance of screens.
- 13-306. Utilization of highway right-of-way.
- 13-307. Non-conforming junkyards.
- 13-308. Permits and fees.

13-301. <u>Definitions</u>. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the city.

13-302. <u>Junkyard screening</u>. Every junkyard shall be screened or otherwise removed from view by its owner or operator in a manner that is in compliance with all applicable provisions of the Harriman Zoning Ordinance.

¹Municipal code reference

Refuse and trash disposal: title 17.

13-303. <u>Screening methods</u>. The following methods and materials for screening are given for consideration only:

(1) <u>Landscape planting</u>. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) <u>Earth grading</u>. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) <u>Architectural barriers</u>. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) <u>Natural objects</u>. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen.

13-304. <u>Requirements for effective screening</u>. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the city. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

13-305. <u>Maintenance of screens</u>. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the city.

If not replaced within sixty (60) days the city shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in

the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the city.

13-306. <u>Utilization of highway right-of-way</u>. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

13-307. <u>Non-conforming junkyards</u>. Those junkyards within the city and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards shall be subject to the following conditions, any violation of which shall terminate the non-conforming status:

(1) The junkyard must continue to be lawfully maintained.

(2) There must be existing property rights in the junk or junkyard.

(3) Abandoned junkyards shall no longer be lawful.

(4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the city.

(5) The junkyard may not be extended or enlarged.

13-308. <u>Permits and fees</u>. It shall be unlawful for any junkyard located within the city to operate without a "Junkyard Control Permit" issued by the city.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The city's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the city.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued.

JUNKED OR ABANDONED MOTOR VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Public nuisance.
- 13-403. Impoundment and disposal.
- 13-404. Order to remove.
- 13-405. Abatement of public nuisance.
- 13-406. Exceptions.
- 13-407. Violation and penalty.

13-401. <u>Definitions</u>. (1) A "junked motor vehicle" is any motor vehicle, the condition of which is any one or more of the following:

- (a) Wrecked,
- (b) Dismantled or partially dismantled,
- (c) Inoperative,
- (d) Discarded, and/or
- (e) In an obvious state of disrepair.

(2) "Obvious state of disrepair" means a motor vehicle exhibiting one (1) or more of the following characteristics: inoperable under its own power, missing one (1) or more wheels or inflated tires, burned throughout, or with more than one (1) broken window.

(3) An "abandoned motor vehicle" is such as is defined in <u>Tennessee</u> <u>Code Annotated</u>, section 55-16-103.

(4) A "motor vehicle" for all purposes hereunder is defined as any vehicle which is self-propelled and any device in, upon, or by which any person or property is, or may be, transported from one location to another, excepting devices moved only by human power. (Ord. 1057D)

13-402. <u>Public nuisance</u>. The location or presence of any junked motor vehicle on a lot, tract, or parcel of land, or portion thereof, or upon any street, highway, road, or public property of any governmental entity, or upon any property occupied or unoccupied, improved or unimproved, shall be unlawful, and shall be deemed, and is hereby declared to be, a public nuisance.

It shall also be unlawful, and deemed a public nuisance, for any person or other legal entity to cause, maintain, or permit a motor vehicle or vehicles to be in a wrecked, dismantled, inoperable, abandoned, and/or discarded condition, and/or to otherwise cause, maintain, suffer, permit, or allow such motor vehicle or vehicles to be in an obvious state of disrepair, upon the property of another, or to cause, suffer, permit, or allow the same to be placed, located, maintained, or to exist upon real property belonging to such person or other legal entity. (Ord. 1057D) 13-403. <u>Impoundment and disposal</u>. Junked and abandoned motor vehicles, as defined herein and by reference, shall be impounded and disposed of by the police department in accordance with the provisions of <u>Tennessee Code</u> <u>Annotated</u>, sections 55-16-103 through 55-16-111, and in instances wherein said state code sections are not applicable; or, in the case of junked motor vehicles, as an alternative or in addition thereto, in accordance with the following sections of this chapter. (Ord. 1057D)

13-404. Order to remove. Whenever any junked motor vehicle is found within the City of Harriman in violation of this chapter, the chief of police, or his duly authorized representative, shall cause the owner of the vehicle or the occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order and it shall be unlawful for the person, or persons, upon whom said order is served to fail, neglect or refuse to obey such order within the time prescribed therein. (Ord. 1057D)

13-405. <u>Abatement of public nuisance</u>. If the premises on which a junked motor vehicle is located contrary to the provisions of this chapter are unoccupied and the owner, or agent, or any person having an interest therein, cannot be found, the chief of police, or his duly authorized representative, shall abate such public nuisance by entering upon the property and impounding and taking in to custody the motor vehicle in question and disposing of the same in accordance with the provisions of <u>Tennessee Code Annotated</u>, sections 55-16-103 through 55-16-110, inclusive. Such impoundment and disposition shall not relieve any person or party from any liability or penalty imposed upon conviction for violating other provisions of this chapter, but is in addition to any other penalty provided by law. (Ord. 1057D)

13-406. <u>Exceptions</u>. The provisions of this chapter shall not apply to the following:

(1) Motor vehicles in an operable condition and specifically adapted or constructed for racing or operation on drag strips or raceways.

(2) [Repealed.]

(3) Motor vehicles stored with the permission of the property owner by a member of the armed forces of the United States who is on active duty assignment.

(4) Motor vehicles in a completely enclosed building or legally operated junk yard, automobile repair shop or body shop. However, for automobile repair or body shops, such vehicles shall be kept and maintained to the side or rear of the building out of which the business operates, and not in front of the same.

(5) Motor vehicles in an appropriate storage place officially designed and maintained by the City of Harriman. (Ord. 1057D, modified, as amended by Ord. #99-09, Oct. 1999) 13-407. <u>Violation and penalty</u>. Any person, firm, corporation, or other legal entity, violating this chapter, upon conviction thereof, shall be fined not more than fifty dollars (\$50.00) for each offense, and each day of continued violation shall constitute a separate and distinct offense.

The City of Harriman shall also have the right and remedy to file proceedings in any state court which has jurisdiction to abate a public nuisance. (Ord. 1057D)

TREES

SECTION

- 13-501. Definitions.
- 13-502. Creation and establishment of city tree board.
- 13-503. Duties and responsibilities.
- 13-504. Street tree species to be planted.
- 13-505. Distance and spacing requirements.
- 13-506. Public tree care.
- 13-507. Tree topping, pruning and corner clearance.
- 13-508. Dead or diseased tree removal on private property.
- 13-509. Removal of stumps.
- 13-510. Aborists license and bond.
- 13-511. Review by city council.
- 13-512. Interference with city tree board.
- 13-513. Penalties.

13-501. <u>Definitions</u>. (1) Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets within the city.

(2) Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(3) Street: "Street" is herein defined as being any public, city maintained street, alley, avenue, drive, road, lane, place, way, circle or court. (as added by Ord. #1067, § 1, Nov. 1997)

13-502. <u>Creation and establishment of city tree board</u>. There is hereby created a city tree board for the City of Harriman, Tennessee, which shall consist of five members, citizens and residents of the city, who shall be appointed by the mayor with the approval of the city council.

The term of office of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event a vacancy shall occur during the term of any member, the successor thereto shall be appointed for the unexpired portion of the term.

Members of the board shall serve without compensation. (as added by Ord. #1067, § 1, Nov. 1997)

13-503. <u>Duties and responsibilities</u>. It shall be the responsibility of the board to study, investigate, council and develop and/or update annually, and

administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Harriman, Tennessee. The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (as added by Ord. #1067, § 1, Nov. 1997)

13-504. <u>Street tree species to be planted</u>. The city tree board shall compile and adopt a list which will constitute the official street tree species for the City of Harriman, Tennessee. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board. The street tree list shall make provision for three species size classes of trees which may be planted as street trees, these classes being: small trees, medium trees and large trees. (as added by Ord. #1067, § 1, Nov. 1997)

13-505. <u>Distance and spacing requirements</u>. (1) The spacing of street trees will be in accordance with the three species size classes listed in section 13-504 of this chapter, and no trees may be planted closer than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(2) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in section 13-504 of this chapter, and no tree may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

(3) No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of any fireplug.

(4) No street trees other than those species listed as small trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility. (as added by Ord. #1067, § 1, Nov. 1997)

13-506. <u>Public tree care</u>. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with sections 13-504 through 13-505 of this chapter (as added by Ord. #1067, \S 1, Nov. 1997)

13-507. <u>Tree topping, pruning and corner clearance</u>. (1) It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city tree board.

(2) Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or right-of-way within the city so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(3) The city shall have the right to prune, cut, clear, or remove any tree, shrub, bush or flower on public or private property which overhangs any street, right-of-way or public easement within the city so as to constitute a hazard to the safety or property of any person upon such street, right-of-way or easement, or to prune, cut, clear or remove any tree, shrub, bush or flower on public or private property when such interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control, device or sign, or interferes with pedestrian travel, or interferes with the safe line of sight along any street or roadway, or which is injurious or a potential threat to sewers, electrical power lines, gas lines, water lines, or other public improvements. (as added by Ord. #1067, § 1, Nov. 1997)

13-508. <u>Dead or diseased tree removal on private property</u>. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees by certified, return receipt mail. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice. (as added by Ord. #1067, § 1, Nov. 1997)

13-509. <u>Removal of stumps</u>. All stumps of street or park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #1067, §1, Nov. 1997)

13-510. <u>Aborists license and bond</u>. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided; however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$135,000.00 for bodily injury per person (with maximum liability of \$350,000.00 for all persons so injured) and \$100,000.00 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (as added by Ord. #1067, § 1997)

13-511. <u>Review by city council</u>. The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal within ten (10) days from any ruling or order of the city tree board to the city council who shall hear the matter and make a final decision. (as added by Ord. #1067, § 1997)

13-512. <u>Interference with city tree board</u>. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds as authorized in this chapter. (as added by Ord. #1067, § 1997)

13-513. <u>Penalty</u>. Any person violating any provision of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances. (as added by Ord. #1067, § 1997)

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.

2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership.

14-102. Organization, powers, duties, etc.

14-103. Additional powers.

14-101. <u>Creation and membership</u>. Pursuant to the provisions of section 13-4-101 of the <u>Tennessee Code Annotated</u> there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor, or a person designated by the mayor, and another member of the city council selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. The terms of the five (5) members appointed by the mayor shall be for three (3) years each and arranged so that the term of at least one (1) member will expire each year. The terms of the mayor and the member selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have authority to remove any appointed member at the mayor's pleasure. (1974 code, sec. 11-101, as amended by ord. 858, sec. 1, and replaced by Ord. #1016-01, Nov. 2016)

14-102. <u>Organization, powers, duties, etc</u>. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of the <u>Tennessee Code Annotated</u>. (1974 code, sec. 11-102)

¹It is the intention of the city council in adopting chapters 2-10 herein merely to continue in effect the provisions of the zoning ordinance No. 662, adopted on May 1, 1962, as amended to date. It expressly is not the intention of the city council to hereby enact any new zoning regulations.

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

ZONING ORDINANCE

SECTION14-201. Land use to be governed by zoning ordinance.14-202. Violations and penalty.

14-201. <u>Land use to be governed by zoning ordinance</u>. Land use within the City of Harriman shall be governed by Ordinance Number 1025, titled "Zoning Ordinance, Harriman, Tennessee," and any amendments thereto.¹

14-202. <u>Violations and penalty</u>. Violations of the zoning ordinance shall subject the offender to a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

¹Ordinance No. 1025, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

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. 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.

¹Charter reference

Specifically Article II, section 18(47).

Municipal code references

Excavations and obstructions in streets, etc.: title 16, chapter 1. Driving under the influence: title 11, chapter 2.

²State law references

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

Change 4, March 11, 2014

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

15-101. <u>Motor vehicle requirements</u>. 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 <u>Tennessee Code Annotated</u>, title 55, chapter 9. (1974 code, sec. 9-101)

15-102. <u>Driving on streets closed for repairs, etc</u>. 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.

15-103. <u>Reckless driving</u>. 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.

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

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

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

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

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

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

15-106. <u>Laned streets</u>. 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.

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

15-108. <u>Miscellaneous traffic control signs, etc</u>.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 city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer.

Vehicles having in excess of ten (10) wheels and weighing in excess of fifteen (15) tons be restricted from accessing certain streets or sections of certain streets as so designated by proper signage, without special approval from the police department. (1974 code, § 9-113, as amended by Ord. #0311-02, April 2011)

15-109. <u>General requirements for traffic control signs, etc</u>. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the <u>Manual on Uniform Traffic Control Devices for Streets and Highways</u>, published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and

¹Municipal code reference

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

location throughout the city. This section shall not be construed as being mandatory but is merely directive.

No decision by city council shall be made regarding the placement of any traffic control sign, signal, marking or device, or the particular kind or type of traffic control signal, sign, marking or device to be placed, until the same has been referred to the City of Harriman board of police for its study, report and recommendation. The board of police, in fulfilling its responsibilities designated herein, shall work in conjunction with the chief of police and the street and sanitation department supervisor. Upon the completion of its study, the board of police shall make its report and recommendation to the city council, at which time the city council shall have the power to act thereon. (Ord. 1047)

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

15-111. <u>Presumption with respect to traffic control signs, etc</u>. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper city authority. (1974 code, sec. 9-117)

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

15-113. <u>Driving through funerals or other processions</u>. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1974 code, sec. 9-120)

15-114. <u>Clinging to vehicles in motion</u>. 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.

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

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

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

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

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

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

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

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1974 code, sec. 9-126)

15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.

(1) <u>Definitions</u>. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

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

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars. (6) No person under the age of sixteen (16) years shall operate any motorcycle, motor driven cycle or motorized bicycle while any other person is a passenger upon said motor vehicle.

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

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

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section.

15-122. Delivery of vehicle to unlicensed driver, etc. (1) Definitions.

(a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile or who has been emancipated by marriage or otherwise.

(b) "Adult" shall mean any person eighteen years of age or older.

(c) "Custody" means the control of the actual, physical care of the minor, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Harriman unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of the State of the State of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city.

EMERGENCY VEHICLES¹

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. <u>Authorized emergency vehicles defined</u>. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1974 code, sec. 9-102)

15-202. Operation of authorized emergency vehicles.² (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1974 code, sec. 9-103)

¹Municipal code reference

Emergency services responders: title 20, ch. 2.

²Municipal code reference

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

15-203. <u>Following emergency vehicles</u>. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1974 code, sec. 9-104)

15-204. <u>Running over fire hoses, etc</u>. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1974 code, sec 9-105)

SPEED LIMITS

SECTION 15-301. In general. 15-302. At intersections. 15-303. In school zones.

15-301. <u>In general</u>. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1974 code, sec. 9-201)

15-302. <u>At intersections</u>. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1974 code, sec. 9-202)

15-303. <u>In school zones</u>. Pursuant to <u>Tennessee Code Annotated</u>, section 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1974 code, sec. 9-203, modified)

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. <u>Generally</u>. 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 (1974 code, sec. 9-301)

15-402. <u>Right turns</u>. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1974 code, sec. 9-302)

15-403. <u>Left turns on two-way roadways</u>. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1974 code, sec. 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1974 code, sec. 9-303)

15-405. <u>U-turns</u>. U-turns are prohibited. (1974 code, sec. 9-305)

¹State law reference

Tennessee Code Annotated, sec. 55-8-143.

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. <u>Upon approach of authorized emergency vehicles</u>.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, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1974 code, sec. 9-401)

15-502. <u>When emerging from alleys, etc</u>. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1974 code, sec. 9-402)

15-503. <u>To prevent obstructing an intersection</u>. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1974 code, sec. 9-403)

¹Municipal code reference

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

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

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1974 code, sec. 9-404)

15-505. <u>At "stop" signs</u>. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1974 code, sec. 9-405)

15-506. <u>At "yield" signs</u>. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1974 code, sec. 9-406)

15-507. <u>At traffic control signals generally</u>. 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) <u>Green alone, or "Go"</u>:

(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) <u>Steady yellow alone, or "Caution"</u>:

(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) <u>Steady red alone, or "Stop"</u>:

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

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

(4) <u>Steady red with green arrow:</u>

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

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

(5) In the event an official traffic-control signal is

erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1974 code, sec 9-407)

15-508. <u>At flashing traffic control signals</u>. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) "<u>Flashing red (stop signal)</u>." 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) "<u>Flashing yellow (caution signal)</u>." When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-504 of this code. (1974 code, sec. 9-408)

15-509. <u>At pedestrian control signals</u>. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1974 code, sec. 9-409)

15-510. <u>Stops to be signaled</u>. 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. (1974 code, sec. 9-410)

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. Presumption with respect to illegal parking.
- 15-607. Parking regulated on portions of Roane Street and certain cross streets.
- 15-608. Parking regulated in front of Roane Medical Center.
- 15-609. Penalties for violations of sections 15-607 and 15-608.

15-601. <u>Generally</u>. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1974 code, sec. 9-501)

15-602. <u>Angle parking</u>. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1974 code, sec. 9-502)

15-603. <u>Occupancy of more than one space</u>. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies

more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1974 code, sec. 9-503)

15-604. <u>Where prohibited</u>. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic;

- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under <u>Tennessee Code Annotated</u>, section 55-8-160(c).

(14) In the right of way of U.S. Highway 27, except where designated for parking. (1974 code, sec. 9-504, modified)

15-605. <u>Loading and unloading zones</u>. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1974 code, sec. 9-505)

15-606. <u>Presumption with respect to illegal parking</u>. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1974 code, sec. 9-512)

15-607. Parking regulated on portions of Roane Street and certain cross streets. Notwithstanding any other sections in this chapter, the operators of motor vehicles will be permitted to park on Roane Street between Morgan Street and Crescent Street for a period of time not to exceed two (2) hours. The operators of motor vehicles will also be permitted to park for a period of time not to exceed two (2) hours on all side streets which intersect Roane Street in that area of the city which is bounded on the west by Morgan street on the east by Crescent Street. on the north by Devonia Street and on the south by Trenton Street. Parking for a period of time in excess of two (2) hours is hereby declared to be unlawful. There is excepted from this section the residential portion of Morgan Street between Roane Street and Devonia Street. Parking is not limited or restricted on Sundays and legal holidays except on Devonia Street between Walden Street and Queen Street.

This chapter will apply only between 8:00 A.M. and 5:00 P.M. (as added by ord. 832, modified)

15-608. <u>Parking regulated in front of Roane Medical Center</u>. It is hereby declared to be unlawful to park on Devonia Street between Walden Street and Queen Street at any time except under the following conditions.

(1) The operators of motor vehicles who are visiting friends who are patients in the Roane Medical Center will be permitted to park for a period of time not to exceed two (2) hours.

(2) Relatives who are rendering assistance to patients of the Roane Medical Center will be permitted to park for as long as they desire upon condition that they obtain and display on the windshield of their vehicle a parking permit which will be furnished without charge at the business office of the Roane Medical Center upon request.

(3) Parking across the street or on the north side of Devonia Street between Walden Street and Queen Street will be unlawful at anytime. (as added by ord. 832, modified)

15-609. <u>Penalties for violation of sections 15-607 and 15-608</u>. Any one who parks in violation of section 15-607 or section 15-608 shall be guilty of an ordinance violation and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00). (Ord. 832, modified)

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Deposit of drivers license in lieu of bail.

15-701. <u>Issuance of traffic citations</u>.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1974 code, sec. 9-601)

15-702. <u>Failure to obey citation</u>. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1974 code, sec. 9-602)

15-703. <u>Illegal parking</u>. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (1974 code, sec. 9-603, modified)

¹Municipal code references

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 1, chapter 4.

State law reference

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

15-704. <u>Impoundment of vehicles</u>. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, any vehicle which is a hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1974 code, sec. 9-604, modified)

15-705. Deposit of drivers license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any city ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the city court of this city in answer to such charge before said court.

(2) <u>Receipt to be issued</u>. The officer, or the court demanding bail, who receives any person chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) <u>Failure to appear - disposition of license</u>. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the city court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of <u>Tennessee Code Annotated</u>, section 55-7-401 et seq.

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

- 1. STREET CUTS.
- 2. CONSTRUCTION AND REPAIR OF SIDEWALKS.
- 3. RAILROADS.
- 4. STREET NAMES.
- 5. STREET NUMBERS.
- 6. MISCELLANEOUS.

CHAPTER 1

STREET CUTS²

SECTION

- 16-101. Permit required.
- 16-102. Applications.
- 16-103. Fee.
- 16-104. Deposit or bond.
- 16-105. Safety restrictions on excavations.
- 16-106. Restoration of streets, etc.
- 16-107. Insurance.
- 16-108. Time limits.
- 16-109. Supervision.
- 16-110. Driveways.

16-101. <u>Permit required</u>. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, sidewalk or public place, or to tunnel under any street, alley, sidewalk 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

²Municipal code reference

¹Municipal code reference

Motor vehicles: title 15.

See Appendix C for utility/street cut guidelines and application forms.

beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the public works director is open for business, and the permit shall be retroactive to the date when the work was begun. Harriman Utilities and all franchised utilities shall be given a blanket permit annually, but must notify the public works director on such form as he shall require each time a cut or bore is made.

16-102. <u>Applications</u>. 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 laws relating to the work to be done. Such application shall be approved or rejected by the public works director within twenty-four (24) hours of its filing. (1974 code, sec. 12-102, modified)

16-103. <u>Fee</u>. The fee for such permits shall be one hundred fifty dollars (\$150.00). This fee is to cover the cost of inspection of backfill, and an asphalt patch of up to forty-eight (48) square feet. Any excavation larger than that shall require an additional fee to be determined by the public works director.

Harriman Utilities, as a part of the City of Harriman, is hereby authorized to perform and certify the backfilling inspections for work performed by their own crews. Repairs done by contractors of Harriman Utilities shall be inspected by the city. Since Harriman Utilities will save the city's cost of inspection, the fee for their permits using their own crews shall be one hundred dollars (\$100.00). Repair permits for their contractors shall remain at one hundred fifty dollars (\$150.00). (1974 code, sec. 12-103, modified)

16-104. <u>Deposit or bond</u>. No such permit shall be issued unless and until the applicant therefor has deposited with the city a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and pavement, if necessary. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director may increase the amount of the deposit to an amount he deems adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or its contractor. 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. The public works director shall waive the bond requirements for Harriman Utilities and any utility company franchised by the City of Harriman or the State of Tennessee. In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the public works director shall deem adequate to cover the costs to the city if the applicant shall fail to make proper restoration. (1974 code, sec. 12-104, modified)

16-105. <u>Safety restrictions on excavations</u>. 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. 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, as required in the <u>Uniform Manual for Traffic Control Devices</u>. (1974 code, sec. 12-105, modified)

16-106. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition following guidelines established by the public works director. However, the asphalt resurfacing shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, sidewalk, or public place, the city shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If the conditions of the above notice have not been met within the specified time, the work shall be done by the city, an accurate account of the expense involved kept, and the total cost shall be charged to the person, firm, corporation, or others making the excavation or tunnel. Reasonable time for repair is defined as forty-eight (48) hours from the time the excavation begins. Utility companies may request a time extension if line repair requires it. If requested by the applicant, the city shall make the sidewalk repairs and charge the full expense thereof to the applicant.

Any person, firm, corporation, association, or others making any bore under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition if boring results in any damage to the original condition. Said repairs shall be made following guidelines established by the public works director. If the necessary repairs are not made within a reasonable time as set out by the public works director, the work shall be done by the city, an accurate account of the expenses involved kept, and the total cost charged to the person, firm, corporation, or others making the bore. If the public works director makes any changes in the guidelines authorized in this chapter for repair of the streets, sidewalks, or other public places, then the city council shall be notified in writing of the change(s) at its next regularly scheduled meeting. The notification shall explain fully the reasons for the changes. (1974 code, sec. 12-106, modified)

16-107. <u>Insurance</u>. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applicant 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 might arise from or out of the performance of the work, either by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$150,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) occurrence, and a \$75,000 aggregate. (1974 code, sec. 12-107, modified)

16-108. <u>Time limits</u>. 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 paving by the city. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works director. (1974 code, sec. 12-108, modified)

16-109. <u>Supervision</u>. The public works director or his designees shall inspect all excavations and tunnels being made in or under any public street, alley, sidewalk or other public place in the city, and shall be responsible for the enforcement of the provisions of this chapter. Notice shall be given to him or his designees at least two (2) hours before the work of refilling any such excavation or tunnel commences. The public works director or his designees are hereby authorized to issue stop work orders on any job where the excavation or refilling is not being carried out safely, or in compliance with this chapter and the guidelines for restoration required in § 16-106. (1974 code, sec. 12-109, modified)

16-110. <u>Driveways</u>. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the public works director. 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.

All new constructions or replacement of driveway drainage culverts shall have minimum dimensions of 15 inches in diameter for metal corrugated pipe or 12 inches in diameter for concrete pipe, and twenty (20) feet in length, and shall be constructed in a manner not to impede adequate drainage along the road right-of-way. Such minimum requirements may be increased by the city on any installation when it determines that drainage flows warrant larger dimensions. (1974 code, sec. 12-110, modified)

CONSTRUCTION AND REPAIR OF SIDEWALKS¹

SECTION

- 16-201. Specifications for sidewalks.
- 16-202. Notice to owner of abutting property to build or repair.
- 16-203. Service of notice, filing, etc.
- 16-204. Information to be shown in notice.
- 16-205. Duty of owner upon receipt of notice.
- 16-206. Failure of owner to comply with notice--city to advertise for bids and have work done.
- 16-207. Expenses paid by city to constitute charge against owner and lien against property.
- 16-208. Materials not to be piled in gutters or sewers: use of streets.
- 16-209. Walkways to be kept open; removal of surplus and refuse material.

16-201. <u>Specifications for sidewalks</u>. The city council shall specify the size, width, materials, construction standards, and other requirements for all sidewalks constructed or repaired within the city. (1974 code, sec. 12-201)

16-202. <u>Notice to owner of abutting property to build or repair</u>. Whenever in the opinion of the city council it is to the public interest and convenience that a sidewalk or pavement shall be built or repaired along the front of or adjoining any lot or part of lot in the city, the city council shall, by resolution, cause to be served upon the owner of such lot or part of lot, or agent in charge of such property, a written or printed notice specifying with reasonable certainty the work to be done and require the same to be built, made, or repaired within thirty (30) days after service of such notice. (1974 code, sec. 12-202)

16-203. <u>Service of notice, filing, etc</u>. The service of the notice required by the preceding section may be made by the marshal or any policeman of the city, a copy of the notice being delivered to the proper parties and the original endorsed by such officer to show when and upon whom served and returned and filed with the city clerk.

In case the owner of such property is a nonresident of the city, the city clerk shall forward a copy of such notice by registered mail to such nonresident to his post-office address if it be known. The city clerk shall keep a copy of the notice mailed. In case such address cannot be ascertained by diligent inquiry,

¹Charter reference Article II, section 18(48).

such notice shall be published in one issue of some newspaper published in the city. In all cases the original notice shall be filed in the office of the city clerk and kept by him as part of the records of the city and, in case of mailed or published notice as above required, the city clerk shall endorse thereon the manner and time of service. In case of a published notice as above provided, the city clerk shall require from the publisher proof, by affidavit, of the fact of publication which shall be attached and kept as part of the records. Such affidavit shall be prima facie evidence of such publication. (1974 code, sec. 12-203)

16-204. <u>Information to be shown in notice</u>. The notice to be given under the provisions of the two preceding sections shall contain the names of owners and the number of feet fronting or adjoining each lot along such sidewalk or pavement required to be constructed or repaired, naming the particular streets on which such property is located. A substantial compliance with these requirements shall be sufficient. (1974 code, sec. 12-204)

16-205. <u>Duty of owner upon receipt of notice</u>. It shall be the duty of the owner of any property designated, upon being notified as provided in this chapter, to proceed at once to construct or repair such sidewalk or pavement according to the specifications herein provided. (1974 code, sec. 12-205)

16-206. <u>Failure of owner to comply with notice--city to advertise for bids</u> <u>and have work done</u>. If, at the expiration of the time in which the owners are required by the notice to do the work, as contemplated by this chapter, they shall have failed to do the same, as required by resolution of the city council and this chapter, it shall be the duty of the regular street committee of the city to advertise for five (5) consecutive days by written or printed notices posted in at least three (3) public places in the city, for the lowest and best bidder to construct the walk required in the notice given to such bidder to construct the walk required in the notice given to such defaulting owner. The person or contractor to whom the work may be awarded shall build or repair the same as required by resolution and this chapter. The street committee shall have power to reject any or all bids. (1974 code, sec. 12-206)

16-207. <u>Expenses paid by city to constitute charge against owner and lien</u> <u>against property</u>. Construction or repairs of sidewalks, under the provisions of the preceding section, shall be made at the expense of the city and the costs of such improvements fronting or adjoining the property of such defaulting owner shall be ascertained and the amount thereof shall constitute a charge against such property to secure the amount so expended. The lien may be enforced in any court of competent jurisdiction, or, at the election of the city, suit may be brought for the collection of such amount as in the case of any other debt. (1974 code, sec. 12-207)

16-208. <u>Materials not to be piled in gutters or sewers; use of streets</u>. No material resulting from the construction or repair of sidewalks shall be piled in the gutters or sewers and not more than one-fourth of the street shall be used in prosecuting the work. (1974 code, sec. 12-208)

16-209. <u>Walkways to be kept open; removal of surplus and refuse</u> <u>material</u>. In the construction or repair of sidewalks, a sufficient walkway shall be kept open to permit the public to enter or leave any premises in front of which work is going on. Surplus and refuse material shall be removed by the contractor within ten (10) days after the completion of the work. (1974 code, sec. 12-209)

RAILROADS

SECTION

- 16-301. Maintenance of crossings.
- 16-302. Warning to be given at crossings.
- 16-303. Warning devices or flagmen may be required at crossings.
- 16-304. Obstruction of traffic.
- 16-305. Company orders in violation of chapter.

16-301. <u>Maintenance of crossings</u>. all railroad companies operating trains across the streets and alleys of the city shall lay and keep in good repair the pavement at all such street and alley crossings. The elevation of the rails shall not be altered without prior approval of the city council. The surface of such pavement shall be on a level with the top of the rails of the tracks and shall be laid between the rails and for a width of at least three feet on the outside of each outside rail of such tracks. The whole shall be laid so as to make a smooth and even surface. When two or more tracks are closer together than twenty feet, pavement shall be laid in the space between each track by the railroad companies. (Ord. 865, sec. 3)

16-302. <u>Warning to be given at crossings</u>. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. (Ord. 865, sec. 3)

16-303. <u>Warning devices or flagmen may be required at crossings</u>. When the City Council shall deem it necessary, for the safety of travel on the public streets and alleys of the city crossing a railroad, to have warning devices or flagmen at such crossings, the city council shall, by resolution, declare its determination of such necessity and require the railroad company owning or maintaining the railroad tracks at such crossing to install and maintain the required warning devices or flagmen. The city shall notify the railroad company operating or maintaining the railroad tracks at such crossing of such determination by serving upon the resident agent of such company a copy of such resolution. Such resolution shall specify each crossing to be protected by such warning devices or flagmen, the method of protection to be provided and the hours during which such protection is to be provided. Such resolution shall also specify the date after which such protection is to be provided. (Ord. 865, sec. 3)

16-304. <u>Obstruction of traffic</u>. It shall be unlawful for any conductor, engineer or other employee of any railroad company operating within the city to obstruct the street as and alleys or prevent the free passage of traffic for

longer that five minutes at any one time while operating a railroad engine, train or car. (Ord. 865, sec. 3)

16-305. <u>Company orders in violation of chapter</u>. It shall be unlawful for any railroad official to issue or cause to be issued any order providing for the violation of any provision of this chapter or requiring any railroad employee to violate any of the provisions of this chapter. (Ord. 865, sec. 3)

STREET NAMES

SECTION

16-401. Street names.

16-402. Administration.

16-403. Roadway designations.

16-404. Assignment of new street names.

16-405. Penalties.

16-401. <u>Street names</u>. The public streets of the City of Harriman, Tennessee hereby assigned the names by which they are identified on the map identified by the title <u>Harriman Street Naming and Property Numbering</u> <u>Systems</u>,¹ which is filed at the offices of the city clerk and the building inspector. This map, all explanatory matter thereon, and the attached street index, including the sheet entitled "Roadway Designation," is hereby adopted and made a part of this ordinance. (Ord. 836, sec. 1)

16-402. <u>Administration</u>. The Harriman Street Department is hereby held responsible for the erection and maintenance of street markers identifying each public street within the corporate limits of the City of Harriman, Tennessee. (Ord. 836, sec. 2)

16-403. <u>Roadway designations</u>. The following designations are used to identify roadways in the City of Harriman:

(1) <u>Avenues and streets</u>. Avenues--(North-South), Streets--(East-West) Orientation: Roadways which are usually 1,500 feet or longer, or, when shorter, those which future extension potential.

(2) <u>Drives</u>. Usually winding roadways of any length with future extension possibilities. Drives may or may not dead-end.

(3) <u>Roads</u>. Usually a long roadway traversing a large portion of the city and usually ending outside the corporate limits.

(4) <u>Lanes</u>. Usually 1,500 feet or shorter which usually connect two parallel roadways and in rare instances may dead-end.

¹This map apparently has been amended by the following ordinances, of record in the city clerk's office, which close streets and alleys, or portions thereof: 733, 734, 740, 768, 770, 777A, 783, 793, 903, 905, 910, 917, 940, and 945.

(5) <u>Places and ways</u>. Place--(North-South, Way--(East-West): Short dead-end roadways usually less than 1,000 feet with little or no future extension possibilities.

(6) <u>Circles</u>. Cul-de-sacs of less than 500 feet and loops of any length. Future extension not usually probable.

(7) <u>Courts</u>. Very short roadways usually ending at a parking area or short dual-directional roadways with little or no future extension probability. (Attachment to Ord. 836)

16-404. <u>Assignment of new street names</u>. No new street shall be accepted by the city nor municipal improvements made therein or thereon until such streets have been named as hereinafter set out. If they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate names already assigned.

Names of streets in the City of Harriman shall hereafter be and remain as shown on said map unless officially changed by specific ordinance passed subsequent to this date. Further an index of official street names is to be kept on record in the office of the city clerk of the City of Harriman.

16-405. <u>Penalties</u>. It is hereby unlawful for any person to knowingly and/or willfully do damage to any street marker. Any person found guilty in appropriate courts of doing damage to street markers shall be punished and deemed guilty of a code violation, and may be fined and required to bear the costs of correcting such damage. (1974 code, sec. 12-314, modified)

STREET NUMBERS

SECTION

- 16-501. Uniform numbering system.
- 16-502. Assignment of numbers.
- 16-503. Administration.

16-504. Penalties.

16-501. <u>Uniform numbering system</u>. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title <u>Harriman Street Naming and Property Numbering System</u>, which is filed in the offices of the city building inspector and the city clerk, is hereby adopted for use in the City of Harriman, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (Ord. 837, sec. 1)

16-502. <u>Assignment of numbers</u>. (1) All properties or parcels of land within the corporate limits of Harriman, Tennessee shall hereafter be identified by references to the uniform numbering system adopted herein, provided; all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six months from the date of passage of this chapter.

(2) A separate number shall be assigned for each 25 feet of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals may be obtained from the city building inspector, as provided in section 16-303. (Ord. 837, sec. 2)

16-503. <u>Administration</u>. (1) The city building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of section 16-502 of this chapter.

(2) The building inspector shall keep a record of all numbers assigned under this ordinance.

(3) The building inspector shall issue to any property owner in Harriman a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this chapter.

16-14

Provided, however, that the building inspector may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new from entrance opened, or undue hardship has been worked on any property owner. (Ord. 837, sec. 3)

16-504. <u>Penalties</u>. Violations of this chapter shall be a misdemeanor and may be punished by the general penalty provisions in this municipal code of ordinances. (Ord. 837, sec. 4, modified)

MISCELLANEOUS

SECTION

- 16-601. Obstructing streets, alleys, or sidewalks prohibited.
- 16-602. Trees projecting over streets, etc., regulated.
- 16-603. Trees, etc., obstructing view at intersections prohibited.
- 16-604. Projecting signs and awnings, etc., restricted.
- 16-605. Banners and signs across streets and alleys restricted.
- 16-606. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-607. Littering streets, alleys, or sidewalks prohibited.
- 16-608. Obstruction of drainage ditches.
- 16-609. Abutting occupants to keep sidewalks clean, etc.
- 16-610. Parades, etc., regulated.
- 16-611. Animals and vehicles on sidewalks.
- 16-612. Fires in streets, etc.

16-601. <u>Obstructing streets, alleys, or sidewalks prohibited</u>. 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 or otherwise so as to unreasonably interfere with vehicular or pedestrian traffic. (1974 code, sec. 12-301)

16-602. <u>Trees projecting over streets, etc., regulated</u>. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet. (1974 code, sec. 12-302)

16-603. <u>Trees, etc., obstructing view at intersections prohibited</u>. 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 persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1974 code, sec. 12-303)

16-604. <u>Projecting signs and awnings, etc., restricted</u>. 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. (1974 code, sec. 12-304)

16-605. <u>Banners and signs across streets and alleys restricted</u>. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city council. (1974 code, sec. 12-305) 16-606. <u>Gates or doors opening over streets</u>, alleys, or sidewalks <u>prohibited</u>. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1974 code, sec. 12-306)

16-607. <u>Littering streets, alleys, or sidewalks prohibited</u>. 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.

No vehicle shall be driven or moved on any streets, roads, alleys, or ways within the City of Harriman, Tennessee, unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

Any vehicle hauling crushed coal or other crushed materials within the City of Harriman shall be so loaded as to have a six (6) inch minimum free board on sides and ends.

The police department of the City of Harriman is hereby authorized and directed to stop and prevent vehicles from entering or using the streets of the City of Harriman except in compliance with the above provisions.

Any person who owns or operates or who authorizes the operation of a vehicle within the corporate limits of the City of Harriman whose contents shall slip, drop, leak, or otherwise escape therefrom, whether said person or persons shall be otherwise deemed to be in violation of the provisions of this section, shall be liable to the City of Harriman for the cost to said city of cleaning or removing such materials from its streets, walks, or property abutting thereon. unless said person or persons shall immediately and without delay proceed to carefully clean or have cleaned said contents from said streets in a manner acceptable to the police department of the City of Harriman. (1974 code, sec. 12-307)

16-608. <u>Obstruction of drainage ditches</u>. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1974 code, sec. 12-308)

16-609. <u>Abutting occupants to keep sidewalks clean, etc</u>. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1974 code, sec. 12-309)

16-610. <u>Parades, etc., regulated</u>. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

securing a permit from the city clerk. No permit shall be issued by the city clerk unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity, furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1974 code, sec. 12-310)

16-611. <u>Animals and vehicles on sidewalks</u>. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1974 code, sec. 12-312)

16-612. <u>Fires in streets, etc</u>. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1974 code, sec. 12-313)

TITLE 17

REFUSE AND TRASH DISPOSAL¹

CHAPTER

1. REFUSE STORAGE AND COLLECTION.

CHAPTER 1

REFUSE STORAGE AND COLLECTION

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Containers.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Refuse not to be collected unless properly stored.
- 17-110. Collection practices.
- 17-111. Dumping in streams, sewers, and drains prohibited.
- 17-112. Fee schedule.
- 17-113. Penalties for non-compliance.
- 17-114. Private disposal of debris.
- 17-115. City disposal of debris.

17-101. <u>Refuse defined</u>. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (Ord. 1023)

17-102. <u>Premises to be kept clean</u>. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (Ord. 1023)

¹Municipal code reference

Property maintenance regulations: title 13.

17-103. <u>Containers</u>. (1) Residential refuse containers shall be constructed of strong and durable material, shall be rodent and insect proof, and shall not be readily corrodible. They shall have a capacity of not more than thirty-two gallons and not less than twenty gallons and, when filled, shall weigh not more than seventy-five (75) pounds. Residential refuse containers shall be equipped with handles on both sides to facilitate emptying. They shall be equipped with tight fitting lids or covers to preclude the free access of flies and insects and to prevent the containers from collecting water during rain or snow. The lids or covers shall be kept in place at all times except when refuse is being deposited therein or removed therefrom by the collector.

(2) Refuse containers shall be maintained in good order and repair. Any container that may have a ragged or sharp edge or other defects liable to injure the persons collecting the contents thereof shall be replaced. The city sanitation department will affix to any defective container a tag identifying such defects and giving the owner proper notice that the container must be replaced. When a person fails to repair or replace containers after notice has been given, further collection will be discontinued until proper containers have been provided. The collectors will exercise every effort to protect the container from damage as a result of unloading or loading, but the city will not be held liable for such damages.

(3) Public housing, business, mobile home parks and multi-family dwelling with more than four thirty-two gallon containers shall have a container for mechanical pickup.

(4) The Superintendent of Streets and Sanitation shall determine based on economic considerations and the efficiency of collection the size, location and service provided for all containers furnished by the customer. Hereinafter, all containers shall be replaced by the customer at customer's cost. All containers will be emptied in a minimum of once each week.

(5) Each customer(s) will be notified in writing the size, location, frequency of service and the names of other customers that are assigned to share the container. The customer(s) will be responsible for preventing litter from accumulating around the container. The customer shall notify the city of anyone other than the assigned users that may be putting refuse into the container.

(6) Business and industrial establishments not served by a city-owned receptacle shall provide a sufficient number of containers to fully contain all refuse accumulated between collection periods. The size of the containers shall not exceed the size authorized for residential users.

(7) Refuse containers must be located outside of buildings. They shall be placed where they will not become a traffic or fire hazard and will be accessible to city sanitation employees.

(8) Collections scheduled for business and industrial establishments furnishing their own containers will be served by the residential collection crew on the same days as the residential customers in the vicinity.

Change 5, July 5, 2016

(9) Containers shall be placed at the curb or edge of pavement on the designated collection day and removed on the same day.

(10) Containers shall be placed back of the curb or between the edge of the pavement and the roadway ditch if there is sufficient space.

(11) Property abutting on a public alley shall place the containers not more than five feet from the property line. If the back property is fenced, the containers shall be placed on the alley side of the fence. If sufficient space is not available between the fence and the alley the containers may be placed inside the fence if easy access to the containers is provided.

(12) Exceptions to alley service may be made by the DPW if it is impractical using sanitation department collection equipment or containers can not be served because of some physical barrier.

(13) The Superintendent of Streets and Sanitation shall have the discretion to modify the requirements of containers, number, size limitations, and frequency of pickup in cases of multi-family dwelling and for business and industrial use. However any multi-family dwelling, trailer park or public housing shall have a conforming receptacle for mechanical pickup.

(14) The Superintendent of Streets and Sanitation shall have the authority to access a service charge to any customer requiring more pickup than reasonable for the type of business being operated. Public housing, business, mobile home parks and multi-family dwelling with more than four thirty-two gallon containers shall have a container for mechanical pickup. (Ord. 1023)

17-104. Location of containers. Where alleys are used by the city refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (Ord. 1023)

17-105. <u>Disturbing containers</u>. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse containers belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (Ord. 1023)

17-106. <u>Collection</u>. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of the superintendent of streets and sanitation. Collections shall be made regularly in accordance with an announced schedule. (Ord. 1023)

Change 7, February 21, 2023

17-107. <u>Collection vehicles</u>. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (Ord. 1023)

17-108. <u>Disposal</u>. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (Ord. 1023)

17-109. <u>Refuse not to be collected unless proverly stored</u>. In no case will it be the responsibility of the city sanitation department to shovel or pick up from the ground any accumulation of refuse. (Ord. 1023)

17-110. <u>Collection practices</u>. All refuse shall be removed from private residences once each week, or as often as is deemed necessary by the city manager, and not less than once a week from businesses and institutions within the city limits unless otherwise directed by the city manager.

(1) <u>Special refuse problems</u>. (a) Contagious diseases refuse. The removal of Personal Protective Equipment (PPE), wearing apparel, mattresses, other bedding, other refuse from homes, or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the city manager. Such refuse shall not be placed in containers for regular collection.

(b) Inflammable or explosive refuse. Highly inflammable or explosive materials, poisons, acids, and caustics shall not be placed in containers for regular collection but shall be disposed of at the expense of the owner or possessor as directed by the city manager.

(c) Construction refuse. Quantities of refuse materials resulting from repair, excavation, or construction of building, such as, but not limited to, broken concrete, dirt, sand, gravel, trees, wooden wastes, or any other non putrescible materials shall be and disposed of by the contractor, owner, or person having same in charge by a method satisfactory to the city manager.

(d) Materials not prepared in accordance with this chapter. Unless refuse shall be prepared for collection as provided in this chapter, it will be considered not acceptable for collection.

(e) Industrial wastes. Solid wastes resulting from industrial processes shall be disposed of by the owner or possessor thereof under methods outlined by the city manager.

(f) Dead animals. Dead animals shall not be placed in garbage containers for regular collection. Such animals shall be removed by

Change 7, February 21, 2023

special pickup on call to the city. (Ord. 1023, as replaced by Ord. #0921-01, Sept. 2021)

17-111. <u>Dumping in streams, sewers, and drains prohibited</u>. It shall be unlawful to dump refuse in any form into a stream, ditch, storm sewer, sanitary sewer, or other drain. (Ord. 1023)

17-112. <u>Fee schedule</u>. Charges for collection of refuse as defined herein are determined by a fee schedule approved by the city council. Revisions and exceptions to the fee schedule will be approved by the city council.

Charges for the collection of refuse shall be billed on a monthly basis to coincide with the billing period prescribed by the Harriman Utility Board for electric, gas, water and sewer charges. Further, and unless otherwise prescribed by the city council, all charges for the collection of refuse shall be included as part of the monthly bill mailed to those customers to whom this chapter applies, and said refuse collection charges shall be itemized thereon.

Charges for the collection of refuse not paid on or before the due dates defined herein are delinquent. Any person failing or refusing to pay said charges when due shall be liable for interest on such delinquent charges from the due date at the rate of five percent (5%) per billing period of the first \$250.00 owed thereon, plus one percent (1%) of any remaining balance over \$250.00 owed thereon. Such interest shall become a part of the charges herein required to be remitted.

When charges for the collection of refuse are not paid when due and are delinquent, the Harriman Utility Board is further authorized to include the amounts thereof owing on any collection notice sent or delivered by the utility to those customers to whom this chapter applies; however, the failure or refusal of any such customer to pay the refuse collection charge shall not be a reason or cause for the discontinuation of utility services. (Ord. 1046)

17-113. <u>Penalties for non-compliance</u>. Violations of this chapter shall be punished in accordance with the general penalty provisions of this municipal code of ordinances. In addition to the penalties provided herein, the city may enforce the provisions of this chapter by instituting legal proceedings for damages, to collect any charges due and owing the city hereunder, plus interest thereon, and/or to enjoin the violation of it provisions, in any court of competent jurisdiction, and such court may grant a judgment for the charges then due and owing, plus interest thereon, a temporary or permanent injunction restraining, prohibiting or otherwise enjoining and violation of the provisions of this chapter, and/or other relief, including the awarding of damages, to which the city may prove itself entitled. (Ord. 1046, as replaced by Ord. #0714-01, July 2014)

Change 5, July 5, 2016

17-114. <u>Private disposal of debris</u>. Debris generated from the following activities will not be picked up by the city and such debris must be removed and properly disposed of by the owner at his/her/its expense:

(1) Debris from contracted renovations and/or repairs.

(2) Debris from repairs, evictions and abandonments, etc. by owners, companies or corporations that lease out more than one (1) single family rental home.

(3) Debris from repairs, evictions and abandonments, etc. by owners, companies or corporations that own multi-unit apartment complexes.

(4) Debris from repairs, evictions, and abandonments, etc. by owners, companies or corporations operating storage facilities. (as added by Ord. #0714-01, July 2014)

17-115. <u>City disposal of debris</u>. The City of Harriman will continue to pick up debris from all activities not covered by § 17-114, subject to the fee schedule adopted pursuant to § 17-112. (as added by Ord. #0714-01, July 2014)

TITLE 18

WATER AND SEWERS¹

CHAPTER

- 1. HARRIMAN UTILITY BOARD.
- 2. GENERAL SEWER REGULATIONS.
- 3. SEWER USE ORDINANCE.
- 4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

HARRIMAN UTILITY BOARD

SECTION

18-101. Creation; membership, organization, and jurisdiction, etc.

18-102. Fluoridation of water supply.

18-103. Violation of board's rules and regulations.

18-101. <u>Creation; membership, organization, and jurisdiction, etc</u>. A board of public utilities to be known as the "Harriman Utility Board" is hereby created and shall have five (5) members who shall be appointed and organized in accordance with <u>Tennessee Code Annotated</u>, title 7, chapter 52. The Harriman Utility Board shall have such jurisdiction over the city's electric system, waterworks, sewage works, and gas system as has heretofore been vested in the city council, and/or any other local board or commission, but shall in all respects be subject to and governed and controlled by the provisions of <u>Tennessee Code Annotated</u>, title 7, chapter 52.

The Harriman Utility Board is specifically given the right to revise and set the rates charged for electricity, water, sewer service, and gas. The Harriman Utility Board is also given the right to set the miscellaneous charges in providing utility services to its customers.² (1974 code, sec. 13-101, amended by ords. 807 and 874)

18-102. <u>Fluoridation of water supply</u>. The Harriman Utility Board is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of Harriman; to submit such plans to the Department of Public Health of the State of Tennessee for approval; and, upon approval, to add

¹Municipal code reference

Building, plumbing, electrical, gas and other utility codes: title 12.

²Ordinances, resolutions, etc., establishing such rates can be found in the office of the city clerk.

such chemicals as fluoride to the water supply in accordance with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the waterworks. (1974 code, sec. 13-102)

18-103. <u>Violation of board's rules and regulations</u>. It shall be unlawful to violate any lawful rule or regulation adopted by the Harriman Utility Board. Any person violating any such rule or regulation, in addition to being fined under the general penalty clause for this code, shall be subject to having his utility service discontinued in accordance with the rules and regulations of the Harriman Utility Board. (1974 code, sec. 13-103)

GENERAL SEWER REGULATIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Places required to have sanitary disposal methods.
- 18-203. When a connection to the public sewer is required.
- 18-204. When a septic tank shall be used.
- 18-205. Registration and records of septic tank cleaners, etc.
- 18-206. Use of pit privy or other method of disposal.
- 18-207. Approval and permit required for septic tanks, privies, etc.
- 18-208. Owner to provide disposal facilities.
- 18-209. Occupant to maintain disposal facilities.
- 18-210. Only specified methods of disposal to be used.
- 18-211. Discharge into watercourses restricted.
- 18-212. Pollution of ground water prohibited.
- 18-213. Enforcement of chapter.
- 18-214. Carnivals, circuses, etc.
- 18-215. Violations.

18-201. <u>Definitions</u>. 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 two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excreta." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not

¹Municipal code reference

Plumbing regulations: title 12.

Wastewater treatment: this title, chapter 2.

The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Health and Environment for adoption by cities in the interest of public health.

less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health and Environment as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. 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, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of 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. (1974 code, sec. 8-202)

18-202. <u>Places required to have sanitary disposal methods</u>. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1974 code, sec. 8-203)

18-203. <u>When a connection to the public sewer is required</u>. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1974 code, sec. 8-203)

18-204. <u>When a septic tank shall be used</u>. Whenever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health

officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the Tennessee Department of Health and Environment. (1974 code, sec. 8-204)

18-205. <u>Registration and records of septic tank cleaners, etc</u>. Every person, firm or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1974 code, sec. 8-205)

18-206. <u>Use of pit privy or other method of disposal</u>. Wherever a sanitary method of human excreta disposal is required under section 8-202 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1974 code, sec. 8-206)

18-207. <u>Approval and permit required for septic tanks, privies, etc.</u> Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1974 code, sec. 8-207)

18-208. <u>Owner to provide disposal facilities</u>. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 18-202, or the agent of the owner to provide such facilities. (1974 code, sec. 8-208)

18-209. <u>Occupant to maintain disposal facilities</u>. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage 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. (1974 code, sec. 8-209)

18-210. <u>Only specified methods of disposal to be used</u>. 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. (1974 code, sec. 8-210)

18-211. <u>Discharge into watercourses restricted</u>. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under

conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1974 code, sec. 8-211)

18-212. <u>Pollution of ground water prohibited</u>. No sewage, effluent from a septic tank, sewage tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water. (1974 code, sec. 8-212)

18-213. <u>Enforcement of chapter</u>. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1974 code, sec. 8-213)

18-214. <u>Carnivals, circuses, etc</u>. Whenever carnivals, circuses, or other transient groups of persons come within the appropriate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1974 code, sec. 8-214)

18-215. <u>Violations</u>. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1974 code, sec. 8-215)

CHAPTER 3

SEWER USE ORDINANCE

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Prohibitions and limitations on wastewater discharge.
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18-301. <u>Definitions</u>. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" of "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.

(2) "Approval authority" - The State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control or any authorized representative.

(3) "A.S.T.M." - The American Society for Testing and Materials.

(4) "Authorized representative of industrial user" - Either:

(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; or

(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.

(5) "BOD" - Used in sewage or industrial waste shall designate its biochemical oxygen demand and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in 5 days at 20 C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association. (6) "Building sewer" - A sewer conveying wastewater from the premises of a user to the POTW. A building sewer ends at the tap on the city main sewer transition main.

(7) "C" - Celsius degrees.

(8) "Categorical user" - Any discharger subject to categorical pretreatment standards under 40CFR Chapter I, Subchapter N.

(9) "City" - The City of Harriman or the City Council of Harriman, acting through the manager.

(10) "Manager" - The Manager of the Harriman Utility Board.

(11) "Control authority" - The Harriman Utility Board, City of Harriman, Tennessee acting through the HUB manager or his representative.

(12) "Customer" - Any individual, firm, company, association, society, corporation or group who are the beneficiaries of the water and sewer service or who are utilizing the water and/or sewer system of the City of Harriman.

(13) "EPA" - The United States Environmental Protection Agency.

(14) "Garbage" - Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(15) "Holding tank waste" - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(16) "Indirect discharge" - The discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(17) "Industrial user" - A source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to Section 402 of the Act.

(18) "Industrial wastewater" - The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(19) "May" - is permission; "Shall" - is mandatory.

(20) "Mg/l" - Milligrams per liter.

(21) "National pretreatment standards" or "pretreatment standards" - Any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with Section 307(b) and (c) of the Act which applies to the industrial users.

(22) "NPDES permit" - The National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(23) "Person" - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agent or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context. (24) "ph" - The negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter of solution as determined by acceptable laboratory procedures.

(25) "Pretreatment" - The treatment of wastewater by the user before introduction into the publicly owned system.

(26) "Pretreatment standards" - All applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500.

(27) "Publicly owned treatment works" or "POTW" - A treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of Harriman. This definition includes any sewer that conveys wastewater to the treatment works.

(28) "Sewage" - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(29) "Shall" - is mandatory; "May" - is permissive.

(30) "Significant industrial user" - Any categorical user and any other industrial user of the city's wastewater disposal system who:

(a) has a discharge flow of 25,000 gallons or more per average work day, or

(b) has a flow greater than 5% of the flow in the city's wastewater treatment system, or

(c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules, or

(d) is found by the city, Environmental Protection Agency (EPA), or the State of Tennessee to have the potential through its discharge to significantly impact, either singly or in combination with other contributing industries, the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(31) "Significant noncompliance" - A violation of this chapter, the conditions of a wastewater discharge permit, or applicable state and/or federal pretreatment standards which meet one or more of the following conditions:

(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 limit or the average limit for the same pollutant parameter.

(b) Technical Review Criteria (TRC) violators 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. The TRC=1.4 for BOD, TSS, fats, oils, 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 under this chapter.

(e) Failure to meet within 90 days after the schedule date a compliance schedule milestone contained in a permit 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, periodic self monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Such violations are required to be published annually by 40 CFR 403.8(f)(2).¹

(32) "Standard methods" - The testing methods approved for use in 40CFR 136 as appropriate.

(33) "Storm water" - Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(34) "Superintendent" - The HUB Manager for the City of Harriman, Tennessee, or his designee primarily responsible for wastewater discharges.

(35) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator or Environmental Protection Agency under the provisions of 33 USC 1317.

(36) "TKN" - The Total Kjeldahl Nitrogen content of sewage or industrial waste. The quantity of TKN shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

¹New definition. This definition is required by the State Department of Environment and Conservation to be incorporated into the document. It has considerable importance, as it defines the types of violations to the Sewer User Ordinance which required the POTW to take specific actions.

(37) "User" - Any person discharging wastes to the City of Harriman POTW.

(38) "Waste" - Any waste, including sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(39) "Wastewater" - Domestic sewage and industrial wastewaters discharged to the City of Harriman POTW together with any groundwater, surface water, and storm water that may be present.

(40) "WPCF" - The Water Pollution Control Federation, 601 Wythe Street, Alexandria, VA 22314-1994.

(41) "Miscellaneous terms" - Terms not otherwise defined herein shall be defined as shown in the latest edition of STANDARD METHODS or other appropriate federal or state guidelines and regulations.

(42) "Accessible sewer" - A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way. (Ord. 1000,__)

18-302. <u>Use of public sewers required</u>. (1) <u>Disposal waste</u>. 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 City of Harriman, or in any area under the jurisdiction of said city, any human or animal excrement, or other objectional waste.

(2) <u>Direct discharge prohibited</u>. It shall be unlawful to discharge to any natural outlet within the City of Harriman, or any area under, the jurisdiction of said city, any sewage or other polluted waters, except where a federal or state discharge permit has been duly issued and is currently valid for such discharge.

(3) <u>New private disposal systems prohibited</u>. Except as hereinafter provided or as otherwise permitted by chapter or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) <u>City's right to require sanitary facilities</u>. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this chapter and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any

particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(5) <u>Harriman utility board's right to require sewer hookup</u>. The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the city connect such house, building, improvement or property with the proper public sewer in accordance with the provisions of this ordinance and shall cease to use any other means for disposal of sewage, waste, wastewater or other polluting matter, provided however the Harriman Utility Board may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(6) <u>Disposal of private waste by truck</u>. The superintendent shall designate the locations and times where vacuum or "cess pool" trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner or operator of a truck shall, upon request, provide a manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(7) <u>Holding tanks</u>. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefor, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit will be required to discharge is made into an approved facility designed to receive such waste. (Ord. 1000,__)

18-303. <u>Private sewage disposal</u>. The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewage system is not available, or where such is otherwise permitted by city ordinance or regulations. (Ord. 1000,__)

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18-304. <u>Building sewers and connections</u>. (1) <u>Connections of building</u> <u>sewers to POTW</u>. 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 control authority. The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority.

(2) <u>Costs of installation</u>. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) <u>Separate sewers required</u>. A separate and independent building sewer shall be provided for every building.

(4) <u>Old building sewers</u>. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) <u>Construction controls for new sewers</u>. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(6) <u>Sewer entrances to private facilities</u>. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

(7) <u>Extraneous water prohibited</u>. No person shall make connection of roof downspouts, exterior foundation drains, areaway 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.

(8) <u>Quality of construction</u>. All connections to the city system shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(9) <u>Inspection of sewers</u>. The applicant for the building sewer permit shall notify the control authority or his representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the control authority.

(10) <u>Excavation safety</u>. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(11) <u>Condition of private sewers</u>. Users shall be responsible for the integrity of building sewers on his property. If it is determined that these lines are faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the city may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the city, service shall be terminated.

(12)Grease traps. All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense within ninety (90) days after notification by the city, if and when the control authority determines that a grease problem exists which is capable of causing drainage or operational problems to structures or equipment in the city sewer system, or if such is otherwise required by city ordinance, state or federal law. The city shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the city sewer. If the city employees are required to clean out the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with section 18-306(2) of this chapter.

(13) <u>Alteration to and obstructions to city sewers</u>. No person shall obstruct entrance to or operation of the City Sanitary Sewer System. Existing manholes are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property, or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. Filling or grading of a property such that storm water concentrates at a manhole will not be permitted. The city reserves the right to enter onto its easements at all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

(14) <u>Maintenance of building sewers</u>. The owner of a building sewer is responsible for the maintenance (and replacement, if required) of the building sewer from his building to the tap on the city main sewer line. (Ord. 1000,__)

18-305. Prohibitions and limitations on wastewater discharge.

(1) <u>Requirements of wastewater permits</u>. (a) No person shall discharge or cause to be discharged into the City of Harriman POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a wastewater discharge permit as defined in section 18-307 of this document. This section shall not apply to existing sources until they are notified of its requirement in writing.

(b) Persons discharging radionuclides only in addition to domestic sewage are required to obtain a wastewater treatment permit unless:

(1) Material discharged is characterized by a half-life of less than ten days, and a lack of significant alpha activity; and

(2) At no point along the collection system is activity more than double background levels at the surface with all manholes closed and the system functioning normally; and

(3) No more than 500 micro curries of material are discharged per hour measured at the point of discharge into the wastewater collection system to a maximum of 3500 micro curries per day.

It is the responsibility of the discharging party to arrange for verification of these limits within five days of a written request to do so by the city.

(c) The control authority may waive the requirement for a wastewater discharge permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the WWTP or other factors which the control authority may define.

(d) In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards, including sludge disposal standards, the control authority shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in section 18-307 of this chapter. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of the public, and/or disruption of plant operations including sludge disposal; not to exceed, however, federal limits where applicable.

(2) <u>Prohibitions on wastewater discharge</u>. Regardless of permit status, no person shall discharge or cause to allow to be discharged into the City of Harriman POTW or any connected treatment facilities any waste which contains any of the following:

(a) <u>Oils and grease</u> - Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system.

(b) <u>Explosive mixtures</u> - Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or exploding hazard or be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.). Prohibited materials included, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, exylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

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

(d) <u>Improperly shredded garbage</u> - Garbage that has not been ground or comminuted to such a degree that all particles are 1/2 inch or less in greatest dimension and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(e) <u>Radioactive wastes</u> - Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the POTW or personnel operating the system.

(f) <u>Solid or viscous wastes</u> - Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the POTW. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, 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, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

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(g) <u>Excessive discharge rate</u> - Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works or which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(h) <u>Toxic substances</u> - Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances in amounts which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works in concentrations which would cause the POTW to exceed it's NPDES permit limits.

(i) <u>Unpolluted waters</u> - Any unpolluted water including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load of the POTW.

(j) <u>Discolored materials</u> - Wastes with objectionable color not removable by the treatment process.

(k) <u>Corrosive wastes</u> - Any waste which will cause corrosion or deterioration of the POTW. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(l) <u>Thermal discharge</u> - Heat in amounts which will inhibit biological activity in or cause damage to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40 C (104 F). Under no conditions may the temperature at the point of discharge exceed 120 F.

(m) <u>Human hazard</u> - Any wastewater which causes hazard to human life or creates a public nuisance.

(3) <u>Limitation on wastewater discharges</u>. No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Not be amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

(c) Exceed limits as set forth in his wastewater discharge permit or violate the federal pretreatment standards.

(d) Cause the treatment plant to violate its NPDES permit, pass-through limits, or other applicable receiving water standards, or cause interference with plant operations.

(e) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the control authority. (Ord. 1000,__)

18-306. <u>Control of prohibited wastes</u>. (1) <u>Regulatory actions</u>.¹ If wastewaters containing any substance in excess concentrations as described in section 18-305 of this chapter are discharged or proposed to be discharged into the sewer system of the City of Harriman or to any sewer system tributary thereto, the city shall take any action necessary to:

(a) Prohibit the discharge of such wastewater.

(b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the Harriman Utility Board.

(c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations or federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.

(d) Require the person or discharger making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW. Nothing herein authorizes discharges, otherwise prohibited, upon payment of cost therefore.

(e) Discontinue sewer service to the discharger until such time as the problem is corrected.²

(f) Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this chapter.

(2) <u>Submission of plans</u>. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the City of Harriman; plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the control authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, or

¹Note that these requirements are for violations of section 18-305 and are distinct from enforcement provisions of the chapter in general (see section 18-310).

²This ability is a federal requirement, which is included here in order to fill the title.

ordinance, rule or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the control authority.

(3) <u>Pretreatment facilities operations</u>. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the user at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) <u>Reporting of accidental discharges</u>. If an accidental discharge of prohibited or regulated pollutants to the POTW occurs, the industrial facility responsible for such discharge shall immediately notify the Control Authority so that corrective action may be taken to protect the POTW. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within thirty (30) days of the occurrence of the accidental discharge.

(5) <u>Right of entry</u>. Agents of the City of Harriman, the Tennessee Department of Environment and Conservation (TDEC), and/or EPA, upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing. (Ord. 1000,__)

18-307. <u>Wastewater discharge permits, generally</u>. (1) <u>Permits required</u>. All persons proposing to connect to or discharge into the sanitary sewer system any material other than normal domestic waste shall be considered an industrial user and must obtain a wastewater discharge permit from the control authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the city's sanitary sewer must obtain a wastewater discharge permit within 60 days after notice from the city.

(2) <u>Permit application</u>. Industrial users seeking a wastewater discharge permit shall complete and file with the control authority an application in the form prescribed by the control authority, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and Standard Industrial Classification (SIC Manual, 1972, Office of Management and Budget) number of applicant;

(b) Volume of wastewater to be discharged;

(c) Wastewater constituents and characteristics including, but not limited to, those mentioned in section 18-305 as determined by a laboratory approved by the control authority;

(d) Time and duration of discharge;

(e) Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

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

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

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

(i) Number and type of employees, and hours of work;

(j) All Tennessee Department of Environment and Conservation and Environmental Protection Agency permits required; and,

(k) Any other information included in the survey form or as may be deemed by the control authority to be necessary to evaluate the permit application.

The control authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the control authority may issue a wastewater discharge permit subject to terms and conditions provided herein.

(4) <u>Permit conditions</u>. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits must contain all items required by federal regulation; and further, may include but not necessarily be limited to the following:

(a) Requirements that the industrial user comply with any and all pretreatment standards and requirements either local, state or federal;

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

(c) Limits on rate and time of discharge or requirements for flow regulation and equalization;

(d) Requirements for installation of inspection and sampling facilities and schedules for said installation;

(e) Requirements for installation and operation of pretreatment systems or process modifications and schedule for said installations;

(f) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types, and standards for tests and reporting schedule;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining plant records relating to wastewater discharge as specified by the control authority and affording the city access thereto;

(i) Requirements that the city maintain the right to enter onto the premises for inspection of operations including process areas, storage areas, spill containment areas, pretreatment areas, and any such other portions of the premises which may be deemed appropriate by the controlling authority; and,

(j) Other conditions as deemed appropriate by the control authority to insure compliance with this chapter and state and federal pretreatment standards and requirements.

(5) <u>Duration of permits</u>. 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 permittee must apply for a renewal permit not more than ninety (90) days nor less than thirty (30) days prior to the expiration of his valid permit. If the user is not notified by the control authority of permit expiration, the permit shall be considered extended for thirty days at a time up to a total of one additional year. The terms and conditions of the permit may be subject to modification and change by the control authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his 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.

(6) <u>Transfer of permit</u>. 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 premise, or a new or changed operation. (Ord. 1000,__)

18-308. <u>Wastewater sampling and analysis</u>. (1) <u>Analysis of industrial</u> <u>wastewater</u>. All of the parameters listed in the discharge permit as authorized under section 18-307 are to apply at the point where the industrial wastes are discharged into the POTW unless otherwise noted. Any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach the specified point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in 40 CFR part 136 or, if otherwise approved, in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmosphere Analysis" published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the control authority and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the control authority.

(2) <u>Control manhole</u>. When required by the control authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the control authority. The manhole shall be installed by the user at his expense, and shall be maintained by him so as to be safe and accessible at all times. The control authority shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge. (Ord. 1000,__)

18-309. Industrial self-monitoring and reporting requirements.

(1) <u>Discharge reports</u>. In order to effectively administer and enforce the provisions of these regulations, the control authority shall require discharge reports, sampling reports, test analyses, and periodical reports of wastewater discharge.

(2) <u>Monitoring programs</u>. (a) The control authority shall require of users such technical or monitoring programs, including the submission of periodic reports, as it deems necessary and as are required by law. The user shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the City of Harriman.

(b) The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the control authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(1) Conduct his own sampling and analysis program provided he demonstrates to the control authority that he has the necessary qualifications and facilities to perform the work; or,

(2) Engage a private laboratory, approved by the control authority.

(c) In the event that the control authority suspects that a violation of any part of this chapter or of the user's wastewater discharge permit is occurring, it may take samples for the purpose of monitoring of the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the control authority.

(d) <u>Sampling report requirements (403.12(g)(2))</u>. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the

results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.

(e) <u>Sampling frequency report (403.12 (g)(5))</u>. If an industrial user subject to the reporting requirement in paragraph (e) of this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in paragraph (g)(4) of this section, the results of this monitoring shall be included in the report.

(f) <u>Signatory requirements for industry (403.12(l))</u>. Signatory requirements for industrial user reports. The reports required by paragraphs (b), (d) and (e) of this section shall include the certification statement as set forth in 403.6(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(B) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of this section is a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:

(A) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(C) The written authorization is submitted to the control authority.

(4) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility,

or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(g) <u>Industrial user notification requirements (403.12(p))</u>.

(1)The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the 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, and estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. A11 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 discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirements in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) 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 wastes 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.

(3) In the case of any new regulations under section 3001 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.

(4) In the case of any notification made under paragraph (p) of 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. (Ord. 1000,__)

18-310. <u>Enforcement procedures</u>. (1) <u>Administrative enforcement</u> <u>remedies</u>. (a) <u>Notification of violation</u>. Whenever the superintendent finds that any user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of the violation (NOV). If required in the NOV, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent within the time frame specified, not to exceed thirty (30) days. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(b) <u>Consent orders</u>. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to section 18-310(1)(d) below.

(c) <u>Show cause hearing</u>. The superintendent may order any user which is in violation of or causes or contributes to violation of this chapter or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested). Ten (10) days prior notice shall be given, if practical. Such notice may be served on any principal executive, general partner, corporate officer, site manager, or other person listed in pretreatment document submitted by the user as a contact. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

(d) <u>Compliance order</u>. When the superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued or penalties imposed unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated or other improvements as specified are carried out. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, disconnection of unauthorized sources of flow, and management practices.

(e) <u>Cease and desist orders</u>. When the superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Administrative penalties. Notwithstanding any other (f) section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be assessed a penalty in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such penalties must file a request for the superintendent to reconsider the penalty within 10 days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter with 15 days of receiving the request from the industrial user.

(g) <u>Emergency suspensions</u>. (1) The superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a users failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment any individuals. The superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.

(3) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent prior to the date of the hearing described in paragraph (2) above.

(h) <u>Revocation of permit</u>. The superintendent may revoke the permit of any user who continually violates the conditions of his permit or this chapter, or applicable state and federal regulations, or for any of the following violations:

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

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

(3) Refusal of reasonable access to the users premises for the purpose of inspection or monitoring.

(i) <u>Appeal of administrative penalties</u>. Upon issuance of any administrative order or penalty, the user shall be notified that he shall be entitled to a hearing upon such order or penalty. Request for such hearing must be made within seven (7) days of notification of the administrative action. The hearing will be held before the HUB manager and shall be heard within seven (7) days of the request for hearing. At the hearing, the superintendent or his representative shall represent the controlling authority. The controlling authority and the customer shall be entitled to present evidence relevant and material to the penalty and to examine and cross examine witnesses. HUB may be represented by an attorney, if the user so chooses. The HUB manager shall render a decision within seven (7) days upholding or overturning the administrative order or penalty. Notwithstanding the following, Emergency Suspensions are described in section 18-310(1)(g) are effective immediately upon issuance, and right to appeal is contingent on compliance by the user.

(2) <u>Judicial remedies</u>. If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the applicable court.

(a) <u>Injunctive relief</u>. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

(b) <u>Civil penalties</u>. (1) Any user who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the superintendent for actual damages incurred by the POTW. In addition to damages, the superintendent may recover reasonable attorneys fees, court costs, and other expenses associated with the enforcement, activities, including sampling and monitoring expenses.

(2) The superintendent shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the users's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(3) <u>Criminal actions</u>. (a) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by penalty and imprisonment to the full extent allowed by law.

(b) Any industrial user who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punishable by a penalty and imprisonment to the full extend allowed by law.

(4) <u>Affirmative defenses</u>. (a) <u>Treatment upsets</u>. (1) Any industrial user which experiences an upset in operations that places it in a temporary state of non-compliance, which is not the result of

operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:

(A) A description of the upset, its cause(s), and impact on the discharger's compliance status.

(B) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

(C) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

(2) An industrial user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the superintendent for any noncompliance with this chapter, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(b) <u>Treatment bypasses</u>. (1) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(C) The industrial user properly notified the superintendent as described in paragraph (2) below.

(2) Industrial users must provide immediate notice to the superintendent upon discovery of an unanticipated bypass.

If necessary, the superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the superintendent at least 10 days in advance. The superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in paragraph (1) above. (5) <u>Remedies nonexclusive</u>. Use of any remedy herein contained shall not preclude utilization of any other remedy available at law or in equity nor shall it preclude revocation of permits as provided for herein. (Ord. 1000, __)

18-311. <u>Provision of service</u>. (1) <u>Application for service</u>. Prior to use of the POTW, prospective users shall be required to sign an application for service and/or the control authority's standard form of contract before service is supplied. Users requiring the installation of special equipment by the control authority may be required to sign a form of contract guaranteeing a minimum charge for such period of time as may be required by the control authority, but, in the absence of a completed application or contract, the usage by the user shall bind the user to the terms of the control authority's standard form of application. If for any reason user, after signing application or contract for services, does not take the service, he shall reimburse the control authority for the expense incurred by reason of its endeavor to furnish such service.

(2) <u>Temporary service</u>. Any user requiring temporary service may be required to pay all costs as determined by the control authority for connection and disconnection incidental to the supplying and removal of service in addition to the regular sewer rate charges.

(3)Billing. All bills for sewer service will be rendered monthly as a part of the regular monthly water billing and shall be computed using the applicable rates or charges in effect at the billing date. Billings will be computed and stated on a net and a gross basis. Such billings shall be payable in the net amount only if paid within the discount period stated on the bill; otherwise the bill is payable in the gross amount. Should the final date for payment of the bill at the net rate fall on a Sunday or holiday, the business day next following the final date will be held as the last day to obtain the net rate. Remittance of net rate payment received by mail after the time limit for payment of said net rate will be accepted by the control authority if the incoming envelope bears United States Post Office date stamp of the final date for payment of the net amount, or any date prior thereto. Failure to receive bill shall not release user from his obligation to make payment nor extend the discount date. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the control authority by such user. In the event sewer service bills are not paid on or before the discount date, water service may be discontinued upon five (5) days' written notice to user and not again resumed until all bills are paid. The control authority shall not be liable for damages on account of such discontinuance of service, even though payment of such bills be made on the same day either before or after service is actually discontinued.

(4) <u>Point of delivery - water service</u>. The sewer service rates are based upon the supplying of water service to an entire premises through a single delivery and metering point. If water service is rendered to any user or premise through more than one delivery point, the control authority will bill each such delivery point as a separate service.

(5) <u>Discontinuance of service</u>. The control authority, as the distributor of water, may disconnect its water and/or sewer service and may refuse to reconnect water or sewer service for a violation of this chapter, for failure to comply with any of its Water Rules and Regulations, for violation of any provision of the user's application or contract with the control authority for sewer service furnished. Discontinuance of service by the control authority for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for payments that thereafter become due under the provisions of any contract between the user and the control authority. Termination of service is appealable under section 18-310(1)(i).

(6) <u>Termination of service by customer</u>. Users who have fulfilled their contract terms and wish to discontinue service must give at least five (5) days written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve user from any minimum or guaranteed payment under contract or applicable rate schedule.

(7) <u>Notice of trouble</u>. User shall notify the control authority immediately of any known defects, trouble or accident affecting the POTW.

(8) <u>Sewer connections</u>. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the control authority, will become part of the community system, without cost to the control authority and will then be maintained by the control authority.

(9) <u>Scope</u>. These rules, regulations and rate schedules as established by the city are a part of all contracts for receiving sewer service from the control authority and apply to all service received from the control authority whether the service is based upon contract, signed application or otherwise. The city may approve upon application the installation of a deductive meter where major portions of the water does not enter the POTW. (Ord. 1000,__)

18-312. <u>User charge</u>. (1) User charge shall be the charge levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the POTW.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The control authority shall review not less often than every two years the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewer facilities, and the user charge system. The control authority shall revise the user charge if necessary to accomplish the following:

(a) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein; and,

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of POTW facilities.

(5) All flow to the POTW not directly attributable to the users (i.e. infiltration/inflow) shall be distributed among all users of the POTW based upon the volume of flow of the users.

(6) Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the POTW.

(7) The Harriman Utility Board shall establish user charges and rates for service from time to time. The rates will be available from the Harriman Utility Board upon request. (Ord. 1000,__)

18-313. <u>Industrial waste surcharge</u>. (1) In the event the user discharges industrial wastes to the POTW having an average Biochemical Oxygen Demand (BOD) content in excess of 250 mg/l, and/or an average Suspended Solids (SS) content in excess of 250 mg/l, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of 40 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes.

(2) The costs of treatment for each pound of BOD, SS, and TKN removed by the POTW shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewer billing. These rates shall be in effect until the next annual rate review. (Ord. 1000,__)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

18-401. <u>Definitions</u>. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Harriman for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby the water may be secured from a source other than normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part of portion of a water purification plant.

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

¹The regulations in this chapter are recommended by the Tennessee Department of Health and Environment for adoption by cities.

Municipal code reference

Plumbing code: title 12.

(6) "Person." Any and all persons, natural or artificial, including any individual firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

18-402. <u>Standards</u>. The Harriman Public Water Supply is to comply with sections 68-13-701 and 68-13-719 of the <u>Tennessee Code Annotated</u>, as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (Ord. 821)

18-403. <u>Construction, operation, and supervision</u>. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, bypass, or interconnection to be made; or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the superintendent of the Harriman Water Department. (Ord. 821)

18-404. <u>Statement required</u>. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Superintendent of the Harriman Water Department a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no crossconnection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. 821)

18-405. <u>Inspections required</u>. It shall be the duty of the Harriman Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Superintendent of the Harriman Water Department and as approved by the Tennessee Department of Health and Environment. (Ord. 821)

18-406. <u>Right of entry for inspections</u>. The Superintendent of the Harriman Water Department or his authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Harriman Public Water Supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-

connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. 821)

18-407. <u>Correction of existing violations</u>. Any person who now has crossconnections, auxiliary intakes, by-passes, or inter-connections inviolation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of the Harriman Water Department. (Ord. 821)

18-408. <u>Use of protective devices</u>. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.

(2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Superintendent of the Harriman Water Department, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premise is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of the Harriman Water Department prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Superintendent of the Harriman Water Department or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the Superintendent of the Harriman Water Department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of the Harriman Water Department. (Ord. 821)

18-409. <u>Unpotable water to be labeled</u>. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters one-inch high located on a red background. (Ord. 821)

18-410. <u>Violations</u>. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and fined according to the general penalty clause in this municipal code of ordinances. In addition to or in lieu of any fines and/or penalties which may be imposed by a court, the Superintendent of the Harriman Water Department shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (Ord. 821, modified)

TITLE 19

$\underline{ELECTRICITY} \text{ AND } \underline{GAS}^1$

[RESERVED FOR FUTURE USE]

¹Municipal code reference

Electricity and gas are provided under the authority and rules and regulations of the Harriman Utility Board, the organization, etc. of which is covered in title 18, chapter 1.

TITLE 20

MISCELLANEOUS

CHAPTER

- 1. CABLE TELEVISION--MID-TENNESSEE CABLE LIMITED PARTNERSHIP.
- 2. EMERGENCY SERVICES RESPONDERS.
- 3. CIVIL RIGHTS ACT OF 1964 COMPLIANCE MANUAL.
- 4. PARKS AND RECREATION ADVISORY COMMITTEE.
- 5. EMORY GOLF COURSE ADVISORY COMMITTEE.

CHAPTER 1

<u>CABLE TELEVISION--MID-TENNESSEE CABLE</u> <u>LIMITED PARTNERSHIP</u>

SECTION

- 20-101. Definitions.
- 20-102. Franchise agreement.
- 20-103. Authority not exclusive.
- 20-104. Franchise territory.
- 20-105. Extension of unincorporated county limit.
- 20-106. Operational standards.
- 20-107. Construction standards.
- 20-108. Conditions of street occupancy.
- 20-109. Supervision by the city.
- 20-110. Franchise fees.
- 20-111. Service maintenance standards.
- 20-112. Complaint procedures.
- 20-113. Performance bond.
- 20-114. Liability insurance.
- 20-115. General indemnification.
- 20-116. Assignment of franchise.
- 20-117. Review and renewal.
- 20-118. Revocation of franchise.
- 20-119. Franchisee's obligation to remove or to sell its facilities in the event of revocation of non-renewal.
- 20-120. Liquidated damages.
- 20-121. Rights reserved to the city.
- 20-122. Compliance with municipal, state and federal laws, rules and regulations.
- 20-123. Franchisee to have no recourse.
- 20-124. Notices to franchisee.
- 20-125. Franchisee's application incorporated.
- 20-126. Continuity of service mandatory.

20-127. Time essence of this franchise.

20-128. Acceptance.

20-101. <u>Definitions</u>. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein, unless the context clearly indicates that another meaning is intended. The word "shall" is always mandatory, and not merely directory:

(1) "City" shall mean the incorporated City of Harriman and all subsequent additions thereto.

(2) "State" shall mean the State of Tennessee.

(3) "Mayor" shall mean the existing or succeeding chief executive officer of the city, or his designee.

(4) "City council" or "council" shall mean the present governing body of the city or any successor to the legislative powers of the present city council.

(5) "City manager" shall mean the existing or succeeding City Manager of the City of Harriman, Tennessee.

(6) "City attorney" shall mean the existing or succeeding retained legal counsel of the city or his/her assistants.

(7) "Franchise" shall mean the permission, license or authorization given hereunder to construct, operate and maintain a cable television system in the city including this chapter.

(8) "Franchisee" shall mean Mid-Tennessee Cable Limited Partnership, its successors, transferees or assigns, the recipient of the franchise granted herein.

(9) "Cable Act" shall mean the Cable Communications Policy Act of 1984.

(10) "Federal Communications Commission" or "FCC" shall mean that administrative agency of the federal government responsible for cable television regulation on a national level, or its lawful successor.

(11) "Community Antenna Television System" or "CATV" or "Cable Television System" shall mean any facility which, in whole or in part, receives directly or indirectly over the air, by microwave, by satellite or otherwise, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television and AM and FM radio stations or cable programmers and distributes such signals by wire or cable to subscribing members of the public who pay for such services.

(12) "Application" shall include all written communications, in whatever form, made by the franchisee to the city concerning the construction, rendition of services, maintenance, or any other matter pertaining to the cable television system contemplated herein.

(13) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(14) "Subscriber" shall mean a purchaser of any service delivered over the system to an individual dwelling unit or of service to be utilized in connection with a business, trade or profession. Change 5, July 5, 2016

(15) "Chapter" as used herein shall include this chapter and as the same from time to time may be amended.

(16) "Channel" shall mean a band or frequencies in the electromagnetic spectrum which is capable of carrying either one (1) audio-video television signal and/or a number of non-video signals.

(17) "Access channels" shall mean those channels set aside for specific access purposes, as described in Sections 611 and 612 of the Cable Act.

(18) "Basic cable service" or "basic service" shall mean any service tier which includes the transmission of local television broadcast signals as described in Section 602(2) of the Cable Act.

(19) "Normal service interval" shall mean the period between the time that franchisee is notified by a subscriber of a service deficiency and two business days following the receipt of such notice, provided that the subscriber or his representative is available during this period at the premises to be serviced.

(20) "Annual gross revenue" shall mean any and all compensation received from subscribers for cable television signals delivered to subscribers, as well as rentals of equipment.

(21) "Street" shall mean the surface of and the space above and between any public street, road, highway, freeway, lane, path, public way or place, alley, court, sidewalk, boulevard, parkway, drive or other casement now or hereafter held by the city for the purpose of public travel and shall include such other easements or rights-of-way as shall be now held or hereafter held by the city which shall, within their proper use and meaning, entitle the city and its franchise to the use thereof for the purpose of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

(22) "Public school" shall mean any school, college or university which is a part of an educational program operated by the city or the state.

(23) "Private school" shall mean any school, college or university which is part of a parochial or religious school system and is operated not for profit.

(24) "Local educational authorities" shall mean those individuals, groups, organizations, or governmental entities which provide for primary or secondary education, whether public or private, within the city.

(25) "Good cause" shall represent that set of facts and circumstances which, in an individual case, a reasonable man would adjudge to be beyond franchisee's reasonable control and which would, therefore, represent a justifiable excuse of nonperformance. Depending on the facts and circumstances, good cause may include, but shall not be limited to, delays or interruptions arising from necessary utility changes, rearrangements, power outages, damage to the equipment of franchisee by the city or a third party, the fulfillment of any federal, state and/or local governmental or regulatory restrictions or requirements, national emergency, uncontrollable material shortages, fire, earthquakes or the elements and acts of God. (Ord. 1010)

20-102. <u>Franchise agreement</u>. There is hereby granted by the City of Harriman to Mid-Tennessee Cable Limited Partnership, its successors and assigns, the right, privilege and franchise to construct, operate, and maintain a cable television system within the franchise area as herein defined, for a period of fifteen (15) years from the effective date of this chapter, (Jan. 5, 1993), subject to the conditions and restrictions as hereinafter provided. Said franchise may be renewed by the city for an additional ten (10) year period if such renewal is made in writing and in compliance with the Cable Act. The city shall provide appropriate public notice and opportunity to comment on such renewal requests. (Ord. 1010)

20-103. <u>Authority not exclusive</u>. The right to use and occupy said franchise area as defined in section 20-102 herein for the purposes herein set forth shall not be exclusive, and the city reserves the right to grant a similar use of said franchise area to any person or entity at any time during the period of the franchise in accordance with Title 7, Chapter 59, Part 201, of the <u>Tennessee</u> <u>Code Annotated</u>, provided, however, no other franchises for a cable service will be granted on terms or conditions more favorable or less burdensome than in any existing franchise. (Ord. 1010)

20-104. <u>Franchise territory</u>. This franchise is for the present territorial limits of the City of Harriman, Tennessee, and for any area henceforth added thereto during the term of this franchise. (Ord. 1010)

20-105. <u>Extension of unincorporated county limit</u>. Upon annexation of any territory by the city (other than through a governmental consolidation process, as to which the city makes no agreement), the rights of franchise hereby granted shall extend to the territory so annexed to the extent which the city has authority; and all facilities owned, maintained or operated by franchisee, located within, under or over streets of the territory so annexed, shall thereafter be subject to all terms hereof. (Ord. 1010)

20-106. <u>Operational standards</u>. (1) The cable television system as contemplated herein shall be installed and maintained in accordance with the highest accepted industry standards to the end that the subscriber may receive the most desirable form of service. The cable television system shall be built and extended such that cable television service is available to all current residents of the city. In those areas annexed into the city hereafter, the cable television system will be built in such annexed areas of the city having a density of 30 occupied dwelling units per cable mile. The number of miles will be calculated at the closest point of active contiguous, serviceable distribution system and will continue until reaching 250 feet of the dwelling unit. Change 5, July 5, 2016

(2) The cable television system shall be installed and remain capable of using all band equipment and of passing the entire VHF and FM spectrum and it shall have the further capability or converting UHF for the distribution to subscribers on the VHF band.

(3) The cable television system shall be installed and remain capable of transmitting and passing the entire color television signals without the introduction of material degradation of color fidelity and intelligence.

(4) The cable television system shall be installed and remain capable of twenty-four (24) hours per day continuous operation.

(5) The cable television system shall be capable of and will produce a picture upon any subscriber's television screen in black and white or color (provided the subscriber's television set is capable of producing a color picture) that is materially undistorted and free from ghost images and accompanied by proper sound, assuming the technical, standard production television set is in good repair and that the television broadcast signal transmission is receivable satisfactorily at the franchisee's antenna site. In any event, the picture produced shall be as good as is generally accepted in the cable television industry.

(6) The cable television system shall transmit or distribute signals of adequate strength to produce good pictures with good sound in all television receivers operating within the manufacturer's specifications of all subscribers without causing cross modulation in the cables or interference with other electrical or electronic systems.

(7) Franchisee shall not allow its cable or other operations to interfere with the television reception of persons not served by franchisee, nor shall the system interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the city. Should franchisee discover or otherwise become aware of such interference, franchisee shall respond with reasonable diligence to eliminate the interference.

(8) Franchisee shall continue, throughout the term of this franchise, to maintain the technical standards and quality or service set forth in this chapter.

(9) The Franchisee shall make one channel available on the cable television system for use by local educational authorities in accordance with Section 611 of the Cable Act.

(10) The requirements of (1) through (8) above may be waived by the city upon showing by the franchisee of good cause. (Ord. 1010)

20-107. <u>Construction standards</u>. (1) Franchisee shall, at all times, employ reasonable care and shall install and maintain devices or systems for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(2) Franchisee shall install and maintain its wires, cables, fixtures and other equipment so is not to interfere with the equipment of any utility serving

the residents of the city or any other entity lawfully and rightfully using the conduit, pole or other part of the right of way.

(3) The cable television system shall at all times conform to the construction and maintenance standards set forth below:

(a) Methods of construction, installation and maintenance of the cable television system shall comply with the National Electrical Safety Code 1975 (ANSI CI-1975), and any future amendments, modifications or replacements thereof, to the extent that such code is consistent with the local law affecting the construction, installation and maintenance of electrical supply and communications lines. To the extent that such code is inconsistent with the other provisions of this franchise or with local law, the latter shall govern.

(b) Any tower constructed or maintained in the city for use in the cable television system shall comply with the standards contained in <u>Structured Standards for Stell Antenna Towers and Antenna Supporting</u> <u>Structures</u>, EIE Standards RS-222-A, as published by the Engineering Department of the Electronic Industries Association, 20001 I Street, N.W., Washington, D.C. 20006 and as the same may be, from time to time, modified, amended or replaced.

(c) Installations and physical dimensions of any tower constructed in the city for use in the cable television system shall comply with all appropriate Federal Aviation Agency Regulations including, but not limited to, <u>Objectives Affecting Navigable Airspace</u>, 14 C.F.R. Section 77.1 <u>et seq.</u>, February, 1965, and as the same may be, from time to time, modified, amended or replaced.

(d) Any antenna structure in the cable television system shall comply with Construction, Marking and Lighting of Antenna Structure, 47 C.F.R. Section 77.1 <u>et seq.</u>, February, 1965, and as the same may be, from time to time, modified, amended or replaced.

(e) All working facilities and conditions used during construction, installation and maintenance of the cable television system shall comply with the standards of the Occupational Safety and Health Administration.

(f) Franchisee shall at all times use reasonable care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

(g) Franchisee shall construct and operate the system and related facilities in accordance with generally accepted related industry codes, standards and recommendations that are applicable now or that may hereafter become applicable.

(4) As stated above, franchisee shall be required to reasonably comply with standards as set forth in the publications recited above, this to include any

modifications, replacements and/or amendments thereto. However, in the event any publications mentioned herein should become obsolete or should expire, then franchisee shall be required to comply with the latest set of published standards available at such time of obsolescence or expiration.

(5) All conductors, cables, towers, poles and other components of the system shall be located and constructed by the franchisee in back of the street curbs, except insofar as such components cross streets and public rights of way, so as to provide minimum interference with access by adjoining property owners to the streets and public ways, and no pole or other fixture or the franchisee shall be placed in the public way so as to interfere with the usual travel on such public way.

(6) The requirements of (1) through (5) above may be waived by the city upon showing of good cause. (Ord. 1010)

20-108. <u>Conditions of street occupancy</u>. (1) All transmissions and distribution structures, lines and equipment erected by franchisee within the franchise area shall be located so as to not cause unreasonable interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places. The cable television system shall be constructed and operated in compliance in all material respects with all adopted local, state and national construction and electrical codes which are in effect as of the date of this construction.

(2) Prior to commencing construction, franchisee shall submit to the city detailed maps showing proposed construction locations. These plans shall show the proposed placement of franchisee's cables on the city right of way, and poles that are to be erected by franchisee as required for construction, and locations where franchisee proposed to attach to existing utility poles. Franchisee shall cooperate with the city and any of its agents during any initial construction period and throughout the full term of the franchise in regards to construction procedures, practices and locations.

(3) Whenever the city or State of Tennessee shall require the relocation or reinstallation of any property of franchisee in any of the streets of the franchise area, it shall be the obligation of the franchisee, upon notice of such requirements, to cooperate in the timely removal and relocation or reinstallation of said property so as not to cause unreasonable delay. Such relocations, removal or reinstallations by franchisee shall be at the sole cost of franchisee.

(4) Whenever in any place within the franchise area, all or any part of the electric and telephone utilities shall be located underground, it shall be the obligation of the franchisee to locate or to cause its property to be located underground within such places. If the electric and telephone utilities shall be relocated underground in any place within the franchise area after franchisee shall have previously installed its property, franchisee shall, nevertheless, at the same time or in a timely manner thereafter, remove and relocate its property also underground in such places. Any facilities of franchisee placed underground at the property owner's request, in an area where electric or telephone facilities are aerial, shall be installed with the additional expense being paid by the property owner.

(5) Franchisee shall have the authority to trim trees upon and overhanging streets of the franchise area so as to prevent the branches of such trees from coming into contact with franchisee's wires and cables. Franchisee shall obtain from the city if required, a permit to conduct any such trimming and the same shall be conducted in strict obeyance of all local laws and ordinances and at the sole expense of franchisee.

(6) In the case of any disturbance of any street or sidewalk caused by franchisee, franchisee shall, at its own cost and expense and in a manner approved by the city, replace and restore such street or sidewalk in as good a condition as before the work involving such disturbance was done.

(7) Franchisee shall maintain, repair and keep in good condition for a period of one (1) year following such disturbance all portions of a sidewalk or street disturbed by it or its agents, provided such maintenance and repair shall be made necessary because of defective workmanship or materials supplied by franchisee.

(8) Franchisee shall, upon the request of any person holding a building permit issued by the city, temporarily remove, raise or lower its wires to permit the moving of such building(s). The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same, and the franchisee shall have the authority to require such payment in advance. Franchisee shall be given not less than seventy-two (72) hours' advance notice to arrange for such temporary wire changes.

(9) If, at any time, in case of fire or disaster in the franchise area, it shall become necessary in the judgment of the city manager or the chief of police or fire department, to cut or move any of the wire cables, amplifiers, appliances or other fixtures of franchisee, this may be done and the repairs thereby rendered necessary shall be made by franchisee, at franchisee's sole cost and expense and without charge against the city.

(10) Franchisee's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect all members of the public having occasion to use the portion of the street involved or adjacent property. (Ord. 1010)

20-109. <u>Supervision by the city</u>. (1) Franchisee shall construct, operate and maintain the cable television system in strict compliance with all laws, ordinances and departmental rules and regulations affecting the cable television system.

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(2) Within sixty (60) days of the end of each calendar year, the franchisee shall provide the city, in writing, with an annual update of system activities and developments since the close of the previous calendar year.

(3) The cable television system and all parts thereof shall be subject, upon reasonable notice, to the right of periodic inspection by the city.

(4) If at any time, the powers of the city council or any agency or official of the city council are transferred by law to any other board, authority, agency or official, then such other board, authority, agency or official shall have the powers and rights previously vested under this chapter in the city council or any agency or official of the city.

(5) The city and the franchisee, by its acceptance hereof, agree that the purposes of the provisions hereof are to create the relationship of franchiser and franchisee, to provide for the terms and conditions of that relationship, including compensation for the use of municipal property and municipal supervision, and the conditions upon which such property may be utilized. (Ord. 1010)

20-110. <u>Franchise fees</u>. (1) Franchisee herein shall pay to the city for the use of the streets and other facilities of the city in the operation of the cable television system and for the municipal supervision thereof a sum equal to three percent (3%) of the Annual Gross Revenues, as defined herein, from receipts from subscribers within the city. Said fee shall be paid on a quarterly basis within forty-five (45) days after the end of a calendar quarter, with an adjustment fee being the final quarterly payment of the year. Quarterly payments shall be a reasonable estimate of anticipated and realized receipts. The final payment will be adjusted upward or downward by franchisee based on gross revenues received from subscribers for the year in order to arrive at the three percent (3%) per year fee. The franchisee shall file with the city within forty-five (45) days after the expiration of each of the franchisee's fiscal years a statement clearly showing in detail the Annual Gross Revenues received from subscribers by the franchisee during the preceding fiscal year.

(2) In the event this franchise should be terminated or forfeited prior to the end of the franchise term, as defined herein, franchisee shall immediately submit to the city a financial statement prepared by a certified public accountant or chief financial officer of franchisee acceptable to the city showing the Annual Gross Revenues of franchisee for the time elapsed since the last fiscal year report. Franchisee shall pay to the city not later than forty-five (45) days following the termination of this franchise a like percentage of such Annual Gross Revenues and any other sums legally due and owing the city.

(3) In the event that any payment is not made on or before the applicable date fixed herein, franchisee shall be subject to the penalty provided for hereinafter.

(4) The city shall have the right to inspect the franchisee's records showing the Annual Gross Revenues from which its franchise payments are computed. The right of audit and computation of any and all amounts paid under this franchise shall always be accorded to the city. Should the city notify franchisee in writing of its desire to inspect and/or audit franchisee's records, franchisee shall be obligated to produce such records and make them available to the city within twenty (20) working days of such notification. (Ord. 1010)

20-111. <u>Service maintenance standards</u>. (1) Franchisee shall maintain sufficient repair and maintenance crews capable of responding to subscriber complaints or requests for service within the normal service interval as defined herein.

(2) <u>Service to subscribers</u>. (a) Any verbal, telephonic or written complaint relating to the quality or continuity or service shall be attended to within the normal service interval as defined herein.

(b) The provisions contained in this subsection shall not apply if the discontinuation of service is occasioned because of an act of God, strike, national emergency, or any other circumstance beyond the control of franchisee. Similarly, this provision shall not apply to service requests or complaints pertaining to television set malfunctions or other breakdowns not related to the operation of the cable television system.

(c) Franchisee shall have the right to prescribe reasonable service rules, regulations and rates for the conduct of its business; provided, however, that such service rules and regulations, as well as subsequent amendments or modifications thereof, shall be made available upon request for inspection by the city. The franchisee may increase or adjust its rates following thirty (30) days' written notice to all subscribers and to the city. If such notice is given, there shall be no regulation of rates by the city. (Ord. 1010)

20-112. <u>Complaint procedures</u>. (1) Franchisee shall establish procedures for receiving, acting upon and resolving subscriber complaints. Franchisee shall furnish a notice of such procedures to each subscriber at the time of the initial subscription to the system. In addition, franchisee shall maintain a written record, or "log", listing the date and time of each customer's complaints, identifying the subscriber, describing the nature of the complaints, and when and what action was taken by franchisee in response thereto. Such records shall be kept for a period of one (1) year reflecting the operations to date and shall be available for inspection during normal business hours.

(2) The city manager or his/her authorized designee is hereby designated as the city complaint officer and shall have the primary responsibility for the continuing administration of the complaint procedures hereunder. Any subscriber, user, programmer or other interested person who has a complaint regarding the quality of cable television service, equipment malfunctions, billings, or any other matters, which remain unsolved for thirty (30) days after same have been brought to franchisee's attention, may file a complaint in writing with the city complaint officer. Upon the filing of such a

complaint, such city complaint officer shall notify franchisee and make an investigation to determine whether or not there is probable cause to credit the allegations. If he/she determines after such investigation that there is probably cause to credit the allegations of the complaint, he shall so notify franchisee and complainant in writing and promptly endeavor to resolve the matter by conciliation and persuasion. In the event that the city complaint officer is unable to obtain conciliation within a reasonable time, he shall promptly set the matter for a hearing where all parties may give evidence and the merits of the dispute will be decided. The city complaint officer shall make public his/her decision, along with a statement reciting the basis therefor. Within thirty (30) days thereafter, either franchisee or the complainant may appeal in writing the decision rendered by the city complaint officer to a committee of three city council persons appointed to hear said appeals. At the appeal hearing, the aggrieved party may contest the findings of fact or interpretation of controlling law, at which time the city council persons may affirm, reject, or modify the decision of the city complaint officer. The affirmance, rejection or modification of said decision by the city council persons shall be final, subject to judicial review upon request of the franchisee. (Ord. 1010)

20-113. <u>Performance bond</u>. (1) Thirty (30) days prior to beginning construction, franchisee shall deposit with the city clerk a performance bond from surety authorized to do business in the State of Tennessee, in the minimum amount of twenty-five thousand dollars (\$25,000.00). The form and content of such performance bond shall be acceptable to the city. The performance bond shall be used to ensure the faithful performance by franchisee of all provision of this chapter; compliance with all orders, permits and direction of any agency, commission, board, department, division, or office of the city having jurisdiction over its acts or defaults under this franchise; and the payment of franchisee of any claims, liens and taxes due the city which arise by reason of the construction, operation or maintenance of the system.

(2) The performance bond shall be maintained at the minimum amount of twenty-five thousand dollars (\$25,000.00) during the entire term of this franchise, even if amounts have to be withdrawn pursuant to subsections (1), (3) or (4) of this section.

(3) If franchisee fails to pay the city any compensation within the time fixed herein, and fails after thirty (30) days' written notice to pay to the city any fees due and unpaid, or fails to repay the city within such thirty (30) days any damages, costs or expenses which the city is compelled to pay by reason of the acts of default of franchisee in connection with this franchise, and fails after receipt of thirty (30) days' written notice of such failure by the city to comply with any provision of this franchise which the city reasonably determines can be remedied by demand on the performance bond, the city may, subject to subsection (4) herein, demand payment of the amount thereof, with interest and any penalties, from the performance bond. Upon such demand for payment, the city shall notify franchisee of the amount and date thereof.

(4) Notwithstanding subsection (3) hereinabove, in the case of a bona fide dispute regarding compliance, franchisee may request a hearing before the city manager within thirty (30) days after written notification of non-compliance and penalty by the city. At such hearing, all parties may file evidence and the merits of the dispute will be decided. The city manager shall make public his decision, along with a statement reciting the basis therefor. Within thirty (30) days, franchisee may appeal to the city council, in writing, the decision rendered by the city manager. At the appeal hearing, franchisee may contest the findings of fact or interpretation of controlling law, at which time the city council may affirm, reject or modify the decision by the city manager. The affirmance, rejection or modification of said decision by the city council shall be final, subject to judicial review upon request of franchisee.

(5) The rights reserved to the city with respect to the performance bond are in addition to all other rights by the city, whether reserved by negotiation with franchisee or authorized by law, and no action, proceeding or exercise of a right with respect to such performance bond shall affect any other rights the city may have. (Ord. 1010)

20-114. <u>Liability insurance</u>. (1) Franchisee shall maintain, and by its acceptance of this franchise specifically agrees that it will maintain, throughout the term of this franchise, liability insurance insuring the franchisee and city (and naming the city, its officials, boards, council, agents, and employees as additional insureds) with regard to any and all damages for the following:

(a) A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the city, its officers, boards, commissions, agents or employees from any and all claims by any person or entity whatsoever on account of injury to or death of a person or persons derivative from any injury to or death of a person or persons (i.e., including but not limited to claims for loss of services, medical and other expenses) occasioned by the operations of franchisee under this franchise or alleged to have been so caused or occurred with a minimum liability of five hundred thousand dollars (\$500,000.00) per personal injury or death of any one (1) person and one million dollars (\$1,000,000.00) per personal injury or death of any two (2) or more persons in any one (1) occurrence.

(b) Property damage insurance indemnifying, defending and saving harmless the city, its officers, boards, commissions, agents and employees from and against all claims by any person or entity whatsoever for property damage, including loss of use and all consequential damages, occasioned by the operation of franchisee under this franchise or alleged to have been so caused or occurred with a minimum liability of two hundred fifty thousand dollars (\$250,000.00) for property damage to any one (1) person and five hundred thousand dollars (\$500,000.00) for property damage to any two (2) persons in any one occurrence.

(c) One million dollars (\$1,000,000.00) for all other types of liability.

All insurance shall be kept in full force and effect by franchisee throughout the term of this franchise and until after the removal of all poles, wires, cables, underground conduits, manholes and other conductors and fixtures incident to the maintenance and operation of the cable television system as defined in this franchise.

(2) An insurance certificate obtained by franchisee in compliance with this section shall be filed and maintained with the city clerk during the term of this franchise.

(3) Neither the provision of this section nor any damages recovered by the city hereunder shall be construed as limiting the terms, obligations or liabilities imposed under any other section of this franchise. (Ord. 1010)

20-115. <u>General indemnification</u>. (1) Franchisee agrees by the acceptance of this franchise to indemnity, hold and save the city free and harmless from all liability on account of injuries, deaths or damages to persons or property arising out of the construction, maintenance, repair and operation of its cable television system. In the event that suit shall be brought against the city, either independently or jointly with franchisee on account thereof, franchisee shall upon written notice by the city, defend the city in any such suit at the cost of franchisee, and, in the event of a settlement approved by franchisee or final judgment being obtained against the city, which franchisee had notice and opportunity to defend, franchisee shall indemnify the city and pay such settlement of judgment, together with all costs, and hold the city harmless therefrom.

(2) Franchisee shall pay, and by its acceptance of this franchise specifically agrees that it will pay, all expenses incurred by the city in defending itself with regard to all damages and penalties mentioned in subsection (1) hereinabove, provided franchisee had written notice and declined to defend the city. These expenses shall include but not be limited to, all out-of-pocket expenses, such as attorney's fees, and shall also include the reasonable value of any services rendered by the city attorney or his assistants or any employees of the city or its agents. (Ord. 1010)

20-116. <u>Assignment of franchise</u>. (1) No assignment of this franchise shall take place, whether by forced or voluntary sale, lease, or assignment, without prior written notice to and approval by the city council which shall not be unreasonably withheld. The notice shall include full identifying particulars of the proposed transaction, and the city council shall act by resolution. The city council shall have forty-five (45) days within which to approve or disapprove an

assignment. If no action is taken within such forty-five (45) day period, approval shall be deemed to have been given.

(2) Franchisee shall have the right to mortgage, pledge or otherwise hypothecate the assets of its cable television system including the rights granted under this franchise. (Ord. 1010)

20-117. <u>Review and renewal</u>. (1) The city council shall not make a decision involving the renewal, cancellation or expiration of franchisee's franchise unless the city manager has advised franchisee in writing, at least thirty (30) days prior to such meeting, as to its time, place and purpose. Such renewal procedures will be conducted pursuant to Section 626 of the Cable Act.

(2) It shall be the policy of the city to amend this franchise upon application of the franchisee when necessary to enable franchisee to take advantage of advancements in the state of the art which will afford it an opportunity to more effectively, efficiently or economically serve its subscribers, provided, however, that this section shall not be construed to require the city to make any amendment. No such amendment shall create any rights in franchisee other than those specifically set out in such amendments. (Ord. 1010)

20-118. <u>Revocation of franchise</u>. (1) In addition to all other rights and powers reserved or pertaining to the city, the city reserves, as an additional and as a separate and distinct remedy, the right to revoke this franchise and all rights and privileges of franchisee hereunder in any of the following enumerated events or for any of the following reasons:

(a) Franchisee shall, by act or omission, violate any material or substantial term or condition or this chapter and shall within thirty (30) days following written notice by the city fail to effect such compliance; or

(b) Franchisee becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt, or all or part of franchisee's facilities should be sold under an instrument to secure a debt and are not redeemed by franchisee within thirty (30) days from said sale; or

(c) Franchisee fails to restore service following ninety-six (96) consecutive hours of interrupted service, except when an act or God, disaster, or other action beyond the control of the franchisee caused such service interruption; or

(d) Franchisee attempts to or does practice any fraud or deceit or pattern of material misrepresentation in its conduct or relations with the city under this franchise.

(2) No such revocation shall be effective unless or until the city council shall have adopted an ordinance setting forth the cause and reason for the revocation and the effective date thereof, which ordinance shall not be adopted without thirty (30) days' prior written notice thereof to franchisee and an opportunity for the franchisee to be heard upon the proposed adoption of said Change 5, July 5, 2016

ordinance. Franchisee shall furnish to the city a written statement at least ten (10) days prior to the date on which city council convenes to consider such proposed ordinance setting out its position relative to the cause(s) of such revocation. In the event the revocation as proposed in said ordinance depends upon finding a fact, such finding of fact is made by the city council shall be, in writing, after the hearing provided for, if requested by franchisee.

(3) Notwithstanding the grounds for termination herein, no termination procedure shall be held except in compliance with FCC regulations and the Cable Act.

(4) Franchisee shall not be declared in default nor be subject to any sanction under any provision of this section in any case in which the performance of such provision is prevented for reasons of good cause. Any final determination shall be subject to judicial review upon request of the franchisee. (Ord. 1010)

20-119. <u>Franchisee's obligation to remove or to sell its facilities in the</u> <u>event of revocation of non-renewal</u>. (1) In the event of revocation of this franchise as provided for in section 20-118 herein or in the event this franchise is not renewed as provided for in section 20-117 herein, the city shall have the option of either requiring franchisee to remove from the public streets where its properties are located all or any part of its equipment and facilities so located within ninety (90) days of the effective date of such revocation or non-renewal, or of requiring franchisee to leave all of its equipment and facilities in place within the franchise area.

(2) The city manager is hereby authorized to enforce the provisions of this section as hereinafter provided.

The city manager shall immediately notify franchisee in writing of such revocation or non-renewal. Within ninety (90) days following receipt of such notice, franchisee shall, if required, remove from the streets of the city upon, over and under which its properties are located all of said properties. Such removal, if required, shall be performed by franchisee in such a manner so as to not permanently destroy, mar or damage the franchise areas in which such removal is being conducted. The city representative shall make an inspection of the areas in which the removal is being or has been conducted, and should it be found that franchisee has unreasonably destroyed, marred or damaged such areas, franchisee shall be held responsible for the expenses of repairing such areas to the satisfaction of the city.

(3) In the event franchisee has not removed its facilities within ninety (90) days as described herein, or in the event the city elects not to require franchisee to remove its facilities, franchisee shall be obligated to sell its facilities in place within the franchise area to either the city or to any new franchise operator. Any sale of facilities as required by this subsection shall be pursuant to the valuation requirements of Section 626 of the Cable Act. (Ord. 1010) 20-120. <u>Liquidated damages</u>. Should it be found, after conducting the hearing and appeal procedure provided for herein, and after written receipt by franchisee of a finding of violation by the city manager or his designee, that franchisee is in violation or the terms of this chapter, the liquidated damages chargeable to the performance bond, provided for under section 20-113 herein, shall be as follows:

(1) For failure to provide or maintain data and reports as requested by the city or as required herein, franchisee shall forfeit one hundred dollars (\$100.00) per day or part thereof that the violation continues, if, after twenty (20) days written notice, such data or reports are not supplied.

(2) For failure to comply with the operation standards as specified in section 20-105 thereof, following the city council's resolution directing franchisee to make improvements within a reasonable time period, franchisee shall forfeit fifty dollars (\$50.00) per day or part thereof that the violation continues unless cause can be shown for said delay.

(3) For failure to test, analyze and report on the performance of the system following the reasonable request of the city, franchisee shall forfeit fifty dollars (\$50.00) per day or part thereof that the violation continues unless cause can be shown for said delay.

(4) For failure to pay the franchise fee when due pursuant to section 20-110 herein, franchisee shall pay a one time flat charge of five percent (5%) of the amount due.

(5) The rights in this section are separate, distinct and in addition to those enumerated elsewhere in this chapter.

(6) Any liquidated damages imposed by the City of Harriman in accordance with this license may be reduced by the city if it finds that the failure of the franchisee resulted from conditions beyond the franchisee's control and/or acts of God.

(7) Any damages assessed under this section 20-120, shall be subject to judicial review at the request of the franchisee. (Ord. 1010)

20-121. <u>Rights reserved to the city</u>. Without limitation upon the rights which the city might otherwise have, the city does hereby expressly reserve the following rights, powers and authorities:

(1) To exercise its governmental police powers now or hereafter to the full extent that such powers may be vested in or granted to the city.

(2) To grant additional franchises within the city to other persons for the construction of a cable television system.

(3) To exercise any other rights, powers or duties required or authorized under the laws of the United States; Constitution of the State of Tennessee; the laws of Tennessee; or the city charter. (Ord. 1010)

20-122. <u>Compliance with municipal, state and federal laws, rules and</u> <u>regulations</u>. (1) Notwithstanding any other provision of this franchise to the contrary, franchisee shall at all times reasonably comply with all laws, rules and regulations of the state and federal governments or any administrative agencies thereof; provided, however, that if any such state or federal law, rule or regulation shall require franchisee to perform any service or shall prohibit franchisee from performing any service or shall permit franchisee to perform any service in conflict with the terms of this franchise or of any law, rule or regulation of the city, then as soon as possible following knowledge thereof, franchisee shall notify the city manager of the point of conflict believed to exist between such law, rule or regulation and the laws, rules or regulations of the city or this franchise, provided, however, that nothing herein shall compel franchisee to act in any way which violates or contravenes any local, state or federal law, rule or regulation.

(2) Franchisee shall be subject to all city ordinances, rules and regulations and franchisee shall also be subject to all applicable rules and regulations which, from time to time, may be promulgated by the Federal Communications Commission for cable television systems. (Ord. 1010)

20-123. <u>Franchisee to have no recourse</u>. (1) Except as expressly provided for in this franchise, franchisee herein shall have no recourse whatsoever against the city for any loss, cost or expense of damage arising out of any of the provisions or requirements of this franchise or because of the enforcement thereof by the city.

(2) Franchisee expressly acknowledges that upon acceptance of this franchise it did so relying upon its own investigation and understanding of the power and authority of the city to grant this franchise.

(3) Franchisee further acknowledges by the acceptance of this franchise that it has carefully read the terms and conditions hereof and is willing to and does accept all of the risks of the meaning of such terms and conditions.

(4) Franchisee further acknowledges by the acceptance of this franchise that this franchise is non-exclusive. (Ord. 1010)

20-124. <u>Notices to franchisee</u>. At any time the city manager, mayor, city council, members of the city council, or resident of the city brings an issue regarding this chapter, agreements or applications thereunder, or the activities of any franchisee to a meeting or work session of the city council, the city manager will notify franchisee. Such notification shall take place at least twenty (20) days prior to the meeting. (Ord. 1010)

20-125. <u>Franchisee's application incorporated</u>. (1) Franchisee shall provide all services specifically set forth in its application, if any, to provide cable television service within the city, and by its acceptance of this franchise, franchisee specifically grants and agrees that its application is hereby incorporated by reference and made a part of this chapter.

(2) In the event of a conflict between such proposals and the provisions of this chapter, and the franchise and/or application, the provisions of the application shall prevail. (Ord. 1010)

20-126. <u>Continuity of service mandatory</u>. It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to franchisee are honored. In the event that franchisee elects to overbuild, rebuild, modify or sell the cable television system, or the city council terminates or fails to renew the franchise, franchisee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted services regardless of the circumstances. In the event of a change of franchisee, the current franchisee shall cooperate with the city to operate the system for a temporary period in maintaining continuity of service to all subscribers. (Ord. 1010)

20-127. <u>Time essence of this franchise</u>. Whenever this franchise shall set forth any time for any action to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within the time allocated may be sufficient grounds for the city to revoke this franchise; provided franchisee receives notice of intent to revoke and has thirty (30) days to cure any and all alleged violations as specified in the chapter. (Ord. 1010)

20-128. <u>Acceptance</u>. This chapter and its terms and provisions shall be accepted by franchisee by a written acceptance executed and acknowledged by franchisee and filed with the city clerk. Said acceptance shall incorporate franchisee's written application, if any, to the city for the cable television franchise and shall bind and obligate franchisee to perform and carry out all provisions of said application. The city council may require franchisee to clarify any portion of its written application, if any, prior to final acceptance. (Ord. 1010)

EMERGENCY SERVICES RESPONDERS

SECTION

20-201. Emergency services responders must comply with requirements of OSHA.

20-201. <u>Emergency services responders must comply with requirements</u> of OSHA. (1) Selected emergency responders must be trained to the standard set forth in OSHA Law 29 CFR 1910.120, Section Q, within eighteen (18) months from the passage of the ordinance comprising this chapter and that if within the period of 18 months the Roane County Emergency Management Agency (EMA) is unable to provide the training to meet the intent of this chapter, the Roane County EMA will recommend an appropriate extension for the deficient organization.

(2) It is hereto mandated that all emergency services be trained in the ICS system in order to be compliant within eighteen (18) months from the passage of the ordinance comprising this chapter.

(3) After the period of eighteen (18) months has passed from the passage of the ordinance comprising this chapter, additional hazardous material response funding will be withheld from any department(s) that is deemed deficient until such time as it is shown that the deficient department(s) is in compliance with these requirements. (as added by Ord. #04-11, Aug. 2004)

CHAPTER 3

<u>CIVIL RIGHTS ACT OF 1964</u> <u>COMPLIANCE MANUAL</u>

SECTION

20-301. Compliance manual adopted.

20-301. <u>Compliance manual adopted</u>. (1) The Title VI Compliance Manual for the City of Harriman shall be adopted in its entirety by reference.¹

(2) The following statement shall be deemed as the City of Harriman's Title VI policy statement:

"It is the policy of the City of Harriman to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #07-08-02, Aug. 2007)

¹A copy of the Compliance Manual regarding Title VI of the Civil Rights Act of 1964 is available for review in the office of the city recorder.

CHAPTER 4

PARKS AND RECREATION ADVISORY COMMITTEE

SECTION

- 20-401. Committee appointments; terms and compensation.
- 20-402. Vacancies and removal of committee members.
- 20-403. Eligibility of committee members.
- 20-404. Authority; duties and responsibilities.
- 20-405. Solicitations of funds, grants, and gifts.

20-401. <u>Committee appointments</u>; terms and compensation. The committee shall consist of seven (7) appointees and two (2) ex-officio members. Appointments shall be made by the mayor with the consent of the city council. The initial appointments shall include one (1) member to serve a term of one (1) year, two (2) members to serve a term of two (2) years, two (2) members to serve a term of two (2) years, two (2) members to serve a term of three (3) years, and two (2) members appointed from among the city council to serve a term which expires upon the appointment of newly elected officials following each city election. Thereafter, all appointments shall be for terms of three (3) years, except for the councilmember terms as explained above. The mayor and the city manager shall serve as ex-officio members. All members shall serve without compensation and may be required to pass a background check with qualifications to serve being the same as that established by the same policy applicable to volunteer coaches. (as added by Ord. #0815-02, Sept. 2015, and replaced by Ord. #1118-03, Nov. 2018)

20-402. <u>Vacancies and removal of committee members</u>. Members of the committee may be removed for cause upon majority of four (4) votes by the council. All vacancies shall be filled for the unexpired term by appointment of the mayor subject to approval of the city council. Removal for cause includes, but is not limited to, regularly being absent from committee meetings. Any actively serving member who commits an act that disqualifies them due to the background check policy shall be immediately removed from service and the parks and recreation director or the committee chair shall notify the mayor of such disqualification so that a replacement may be appointed. (as added by Ord. #0815-02, Sept. 2015, and replaced by Ord. #1118-03, Nov. 2018)

20-403. <u>Eligibility of committee members</u>. Appointees to the committee shall be citizens of the City of Harriman or its urban growth boundary. Appointees shall be generally considered persons of good moral character and may be subjected to a background check prior to appointment. Appointees should be generally involved in the recreational programs and/or use of the recreational facilities of the City of Harriman. While not a requirement, it is anticipated that a successful committee member will periodically volunteer in support of recreational activities and events within the City of Harriman. (as added by Ord. #0815-02, Sept. 2015, and replaced by Ord. #1118-03, Nov. 2018)

20-404. <u>Authority: duties and responsibilities</u>. The committee shall work with the parks and recreation director and city manager to make recommendations to council so that they properly oversee, regulate, operate, maintain, diversify, and fund the municipal parks and recreation facilities and activities. Members of the committee shall organize and elect officers as deemed necessary by the committee; however ex-officio members shall not be eligible to serve as permanent chairperson, but shall preside during election of the chair. The committee may adopt by-laws, rules, and regulations governing its action. The committee shall have the duty to develop and recommend governing policies governing the operation of the municipal parks and recreation facilities and programs. Duties of the committee will include:

(1) Periodically identify the present recreation resources, programs, and facilities available to citizens within the City of Harriman,

(2) Conduct a "needs assessment" of recreation programs available to citizens within the City of Harriman,

(3) Stimulate citizen interest in recreation and create motivation for citizen participation,

(4) Establish a recreation plan with goals and priorities to provide the recreation programs and facilities necessary to meet the recreation needs of the citizens of the City of Harriman,

(5) Coordinate various recreation programs and encourage expansion of programs,

(6) Develop policies guiding use and operations of city recreational facilities for council review and approval,

(7) Volunteer to assist with recreational leagues and activities. (as added by Ord. #0815-02, Sept. 2015, as replaced by Ord. #1118-03, Nov. 2018)

20-405. <u>Solicitations of funds, grants, and gifts</u>. The committee may be given by the city council the right to seek funds from public and private sources in the name of the City of Harriman for the municipal parks and recreation facilities, but all funds shall be deposited in accordance with State of Tennessee requirements with the city treasury primarily for the improvement of the municipal parks and recreation facilities and their operations. (as added by Ord. #0815-02, Sept. 2015, and replaced by Ord. #1118-03, Nov. 2018)

CHAPTER 5

EMORY GOLF COURSE ADVISORY COMMITTEE

SECTION

- 20-501. Committee appointments: terms and compensation.
- 20-502. Vacancies and removal of committee members.
- 20-503. Eligibility of committee members.
- 20-504. Authority; duties and responsibilities.
- 20-205. Solicitations of funds, grants, and gifts.

20-501. <u>Committee appointments: terms and compensation</u>. The committee shall consist of seven (7) appointees and two (2) ex-officio members. Appointments shall be made by the mayor with the consent of the city council. The initial appointments shall include one (1) member to serve a term of one (1) year, two (2) members to serve a term of two (2) years, two (2) members to serve a term of two (2) years, two (2) members to serve a term of three (3) years, and two (2) members appointed from among the city council to serve a term which expires upon the appointment of newly elected officials following each city election. Thereafter, all appointments shall be for terms of three (3) years, except for the councilmember terms as explained above. At least one (1) of the two (2) members appointed to the commission should have served at least one year on the city council prior to appointment. The mayor and the city manager shall serve as ex-officio members. (as added by Ord. #0717-02, Aug. 2017, and replaced by Ord. #1118-05, Nov. 2018)

20-502. <u>Vacancies and removal of committee members</u>. Members of the committee may be removed for cause upon majority of four (4) votes by the council. All vacancies shall be filled for the unexpired term by appointment of the mayor subject to approval of the city council. Removal for cause includes, but is not limited to, regularly being absent from committee meetings. (as added by Ord. #0717-02, Aug. 2017, and replaced by Ord. #1118-05, Nov. 2018)

20-503. <u>Eligibility of committee members</u>. At least four (4) appointees to the committee shall be citizens of the City of Harriman or its urban growth boundary. Appointees shall be generally considered persons of good moral character and may be subjected to a background check prior to appointment. Appointees should be generally interested in and/or involved with the Emory Golf Course. (as added by Ord. #0717-02, Aug. 2017, and replaced by Ord. #1118-05, Nov. 2018)

20-504. <u>Authority: duties and responsibilities</u>. The committee shall work with the general manager to make recommendations to council so that they properly oversee, regulate, develop, operate, and fund the Emory Golf Course. Members of the committee shall organize and elect officers as deemed necessary Change 6, January 8, 2019

by the committee; however, the city council appointees shall not be eligible to serve as permanent chairperson, but shall preside during election of the chair. The committee may adopt bylaws, rules, and regulations governing its action. The committee shall decide when and how often to meet, provided that they meet at least one (1) time per year. (as added by Ord. #0717-02, Aug. 2017, and replaced by Ord. #1118-05, Nov. 2018)

20-505. <u>Solicitations of funds, grants, and gifts</u>. The committee may be given by the city council the right to seek funds from public and private sources in the name of the City of Harriman for the Emory Golf Course, but all funds shall be deposited in accordance with State of Tennessee requirements with the city treasury primarily for the improvement of the Emory Golf Course. (as added by Ord. #0717-02, Aug. 2017, and replaced by Ord. #1118-05, Nov. 2018)

ORD-1

ORDINANCE NO. 1060B

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF HARRIMAN, TENNESSEE.

WHEREAS some of the ordinances of the City of Harriman are obsolete, and

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

WHEREAS the Board of Mayor and Aldermen of the City of Harriman, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Harriman Municipal Code," now, therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF HARRIMAN, TENNESSEE, THAT:

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<u>Section 1.</u> <u>Ordinances codified</u>. The ordinances of the City of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Harriman Municipal Code," hereinafter referred to as the "Municipal Code."

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

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

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passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor, any ordinance dedicating or accepting any plat or subdivision, any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; nor shall such repeal affect any ordinance annexing territory to the city or amending its zoning map.

<u>Section 4</u>. <u>Continuation or existing provisions</u>. Insofar as the provisions of the Municipal Code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Wherever in the Municipal Code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the Municipal Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the Municipal Code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Municipal Code or other applicable law.

When any person is fined for violating any provision of the Municipal Code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

Each day any violation of the Municipal Code continues shall constitute a separate offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see the <u>Tennessee Code Annotated</u>, sections 40-24-101 et seq.

<u>Section 6.</u> <u>Code as evidence</u>. Any printed copy of the Municipal Code certified under the signature of the recorder shall be held to be a true and correct copy of such codification and may be read in evidence in any court without further proof of the provisions contained therein.

<u>Section 7.</u> <u>Severability clause</u>. Each section, subsection, paragraph, sentence, and clause of the Municipal Code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. the invalidity of any section, subsection, paragraph, sentence, or clause in the Municipal Code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 8. Reproduction and amendment of code. The Municipal Code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the Municipal Code and revisions thereto. After adoption of the Municipal Code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the Municipal Code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the Municipal code will contain references to all ordinances responsible for current provisions. One copy of the Municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

<u>Section 9.</u> <u>Construction of conflicting provisions</u>. Where any provisions of the Municipal Code is conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

<u>Section 10</u>. <u>Code available for public use</u>. A copy of the Municipal Code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

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Section 11. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the Municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

april 1, 19 97. april 8, 19 97 Passed 1st reading ____ , 19<u>97</u>. Passed 2nd reading

Mayor

Vans Recorder