

THE
NEW JOHNSONVILLE
MUNICIPAL
CODE

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

in cooperation with the
TENNESSEE MUNICIPAL LEAGUE

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CITY OF NEW JOHNSONVILLE, TENNESSEE

MAYOR

Gene Plant

CITY COUNCIL

Chris Dellinger
Joe Dellinger
Kevin Handley
Ed Harbison
John James
George Laughlin

CITY ATTORNEY

Charles Griffith

CITY RECORDER

Carolyn Ingram

Preface

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

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

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

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

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

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

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

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.

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

Andre Coure
Codification Specialist

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

The ordinance adoption procedures for the City of New Johnsonville are set out as follows precisely as they appear in the charter.

SECTION 2.09. CITY LEGISLATION. BE IT FURTHER ENACTED,
That:

(a) Any action of council having a regulatory or penal effect, relating to revenue or appropriation of money, awarding franchises or contracts over \$500, authorizing the borrowing of money, conveying or leasing or authorizing conveyance or lease of any lands of the city, or required to be done by ordinance under this Charter or the general laws of the state, shall be done only by ordinance. Other actions of council may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of council in advance of the meeting at which introduced. The enacting clause of ordinances shall be: "Be it ordained by the Council of the City of New Johnsonville." No action of council shall be valid or binding unless approved by the affirmative vote of at least four members of council. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two readings not less than one week apart, and shall become effective after final approval unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading; the second reading may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two readings on separate days and become effective immediately, by the affirmative votes of four members of council, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money, or special privileges shall not be passed as emergency ordinances.

(b) The council shall have the general and continuing ordinances of the city assembled into an official code of the city, a copy of which shall be kept currently up to date by the city clerk and shall be available to the public. After adoption of the official code all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Standard codes, as defined in Section 1.02(g) may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard codes as the council may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by reference shall be available to the public at prices fixed by the council.

(d) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the city clerk. The title and a brief summary of each ordinance and resolution shall be published in the official city newspaper or posted in a public place within 10 days after its final approval.

TITLE 1

GENERAL ADMINISTRATION

CHAPTER

1. GOVERNING BODY.
2. MAYOR.
3. CITY CLERK.

CHAPTER 1

GOVERNING BODY

SECTION

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

1-101. Time and place of regular meetings. The governing body of the City of New Johnsonville shall hold regular monthly meetings at 7:00 o'clock P.M. on the first Monday of each month at the City Hall, provided that when the first Monday of the month is a legal holiday, then the meeting will be held on the second Monday of the month. (1973 Code, sec. 1-101, as modified)

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

- (1) Call to order by the mayor.
- (2) Roll call by the city clerk.
- (3) Reading of minutes of the previous meeting by the city clerk and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the governing body and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1973 Code, sec. 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Revised, shall govern the transaction of business by and before the governing body at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1973 Code, sec. 1-103)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises municipality's affairs.

1-202. Executes municipality's contracts.

1-201. Generally supervises municipality's affairs. The mayor shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1973 Code, sec. 1-201)

1-202. Executes municipality's contracts. The mayor shall execute all contracts authorized by the governing body. (1973 Code, sec. 1-202)

¹Charter reference

See Article II, City Council for duties of mayor, vice-mayor, vacancy in office, etc. See also Article III §§ 3 and 7 and Article IV, §§ 2, 6, 7 and 9.

CHAPTER 3

CITY CLERK¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The city clerk shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1973 Code, sec. 1-301)

1-302. To keep minutes, etc. The city clerk shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, sec. 1-302)

1-303. To perform general administrative duties, etc. The city clerk shall perform all administrative duties for the governing body and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1973 Code, sec. 1-303)

¹Charter reference

See Article III, section 3.03, for additional provisions.

Ord. 1994-4 (Aug. 1994) § 1 provides: "The City of New Johnsonville adopts by reference the requirements of Public Acts 1994, Chapter 648, which is attached to this ordinance and made a part thereof as if it were fully set out in the text of this ordinance." See Ord. 1994-4 of record in the office of the recorder for these provisions.

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. RECREATION BOARD.

CHAPTER 1

RECREATION BOARD

SECTION

2-101. Board established.

2-102. Powers of the board.

2-101. Board established. There is hereby created the New Johnsonville Recreation Board which shall consist of five (5) persons, two of whom may be members of the school staff, to be appointed by the mayor, to serve for terms of five (5) years or until their successors are appointed, except that the members of the first board shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. The members of such board shall serve without pay. Vacancies, except for expiration of a term, shall be filled for the expiration of the term by appointment of the mayor. (Ord. # 1975-1-6-2)

2-102. Powers of the board. The board is hereby vested with such powers as are directly or incidentally necessary to carry out the maintenance, supervision and establishment of a recreation system and of the recreation facilities. However, said powers shall be no greater than provided by state law nor shall it include any powers reserved to the city by the state statute. (Ord. # 1975-1-6-2)

TITLE 3

MUNICIPAL COURT

CHAPTER

1. MUNICIPAL COURT.
2. WORKHOUSE.

CHAPTER 1

MUNICIPAL COURT

SECTION

- 3-101. City judge.
- 3-102. Maintenance of docket.
- 3-103. Issuance of arrest warrants.
- 3-104. Issuance of summonses.
- 3-105. Issuance of subpoenas.
- 3-106. Trial and disposition of cases.
- 3-107. Appearance bonds authorized.
- 3-108. Imposition of fines and costs.
- 3-109. Appeals.
- 3-110. Bond amounts, conditions, and forms.
- 3-111. Disposition and report of fines and costs.
- 3-112. Disturbance of proceedings.

3-101. City judge.¹ The officer designated by the city council to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge. (1973 Code, sec. 1-501)

3-102. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected, whether committed to workhouse, and all other information that may be relevant. (1973 Code, sec. 1-502)

¹Charter reference

Further powers and duties see Article 3, section 3.05 of the basic charter.

3-103. Issuance of arrest warrants. The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1973 Code, sec. 1-503)

3-104. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons, ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1973 Code, sec. 1-504)

3-105. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1973 Code, sec. 1-505)

3-106. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1973 Code, sec. 1-506)

3-107. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1973 Code, sec. 1-507)

3-108. Imposition of fines and costs. All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of justices of the peace for similar work in state cases. The cost for an individual ticket or prosecution in the municipal court for the City of New Johnsonville to

be added to the fine and litigation tax or other assessment by the State of Tennessee shall be \$20.00. (1973 Code, sec. 1-508, as amended by Ord. # 1986-1)

3-109. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond. (1973 Code, sec. 1-509)

3-110. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1973 Code, sec. 1-510)

3-111. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1973 Code, sec. 1-511)

3-112. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1973 Code, sec. 1-512)

CHAPTER 2

WORKHOUSE¹

SECTION

3-201. County workhouse to be used.

3-202. Inmates to be worked.

3-203. Compensation of inmates.

3-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1973 Code, sec. 1-601)

3-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1973 Code, sec. 1-602)

3-203. Compensation of inmates. Each workhouse inmate shall be allowed two dollars (\$2.00) per day as credit toward payment of the fines and costs assessed against him. (1973 Code, sec. 1-603)

¹Charter reference

See also Article III, Section 3.05(d) for authority to establish a workhouse.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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

CHAPTER 1

MISCELLANEOUS PERSONNEL REGULATIONS¹

SECTION

- 4-101. Business dealings.
- 4-102. Acceptance of gratuities.
- 4-103. Outside employment.
- 4-104. Political activity.
- 4-105. Use of municipal time, facilities, etc.
- 4-106. Use of position.
- 4-107. Strikes and unions.

4-101. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1973 Code, sec. 1-901)

4-102. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1973 Code, sec. 1-902)

4-103. Outside employment. No full time officer or employee of the municipality shall accept any outside employment without written

¹Charter reference

For power of the governing body to regulate personnel activities see Article III, section 3.07 and 3.08 of the basic charter.

authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1973 Code, sec. 1-903)

4-104. Political activity.¹ Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials. (1973 Code, sec. 1-904)

4-105. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1973 Code, sec. 1-905)

4-106. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1973 Code, sec. 1-906)

4-107. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (1973 Code, sec. 1-907)

¹Charter reference

See also Article III, section 3.11.

CHAPTER 2

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

- 4-201. Policy and purpose as to coverage.
- 4-202. Necessary agreements to be executed.
- 4-203. Withholdings from salaries or wages.
- 4-204. Appropriations for employer's contributions.
- 4-205. Records and reports to be made.

4-201. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1973 Code, sec. 1-701)

4-202. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1973 Code, sec. 1-702)

4-203. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1973 Code, sec. 1-703)

4-204. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1973 Code, sec. 1-704)

4-205. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1973 Code, sec. 1-705)

CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-301. Purpose.
- 4-302. Definitions.
- 4-303. Coverage.
- 4-304. Employers' rights and duties.
- 4-305. Employees' rights and duties.
- 4-306. Standards authorized.
- 4-307. Variances from standards authorized.
- 4-308. Imminent danger.
- 4-309. Refusal to abate.
- 4-310. Inspection.
- 4-311. Citation and hearing.
- 4-312. Penalties.
- 4-313. Recordkeeping and reporting.
- 4-314. Administration.
- 4-315. Application of other statutes and ordinances.

4-301. Purpose. The City of New Johnsonville, in electing to establish and maintain an effective occupational safety and health program for its employees, shall:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees, with the exception of articles of personal protective equipment which are required by regulation to be purchased by employees, as soon as the city can investigate the availability and the most economical cost of the aforesaid.
- (3) Make, keep, preserve and make available to the State Commissioner of Labor, his designated representative or persons within the agency to whom such responsibilities have been delegated, including the Director of the Office of Occupational Safety and Health, adequate records of all occupational accidents and personal injuries for proper evaluation and necessary corrective action as required. However, these provisions shall not take effect until and after the city has received and reviewed record keeping forms, procedures and guidelines provided by the state, and thereafter these provisions shall not take effect until after the city has had a reasonable period of time to set up and provide for the orderly implementation and use of such records and procedures.
- (4) Consult with the State Commissioner of Labor or his designated representative, with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor or the State Commissioner of Public Health, as appropriate, regarding safety and health problems of the agency which are considered to be unusual or peculiar to the city and are such that they cannot be achieved under a standard promulgated by the State,

(6) Make an annual report to the State Commissioner of Labor to show accomplishments and progress of the total occupational safety and health program as soon as reasonably possible after the city has implemented the provisions of paragraph (3) hereinabove set forth.

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

(8) 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 as soon as reasonably possible. (Ord. # 1974-7-1-1)

4-302. Definitions. (1) "Commissioner of Labor" means the chief executive officer of Tennessee Department of Labor. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.

(2) "Commissioner of Public Health" means the chief executive officer of the Tennessee Department of Public Health. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Public Health.

(3) "Employer" means the City of New Johnsonville and shall include each administrative department, commission, board, division or other agency of the city.

(4) "Director of Personnel" means the chief executive officer designated by the City of New Johnsonville to perform duties or to exercise powers assigned so as to plan, develop, and administer the city's Occupational Safety and Health Program.

(5) "Compliance Inspector(s)" means the individual(s) appointed and designated by the Director of Personnel to conduct inspection(s) as appointed. If a Compliance Inspector is not appointed, inspections shall be conducted by the Director of Personnel.

(6) "Appointing authority" means any city official or group of officials having legally designated powers of appointment, employment, or removal for a specific department, commission, board, division or other agency of the city.

(7) "Employee" means any person performing services for the City of New Johnsonville, and listed on city payrolls either as part time, seasonal, or permanent, full-time employees: provided, however, that such definition shall not include independent contractors, their agents, servants, and employees.

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(9) "Standard" means an occupational safety and health standard promulgated by the Tennessee State Commissioner of Labor or the State Commissioner of Public Health which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(10) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal enforcement procedures: provided, however, that this definition shall not include hazardous operations which are undertaken for the public's safety and well-being.

(11) "Serious physical harm" means that type of harm that would cause permanent or prolonged impairment of the body in that: (1) a part of the body would be permanently removed or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or (2) a part of an internal bodily system would be inhibited in its normal performance to such a degree as to shorten life or cause reduction in physical or mental efficiency: (e.g., lung impairment, causing shortness of breath). On the other hand, breaks, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

(12) "Establishment" or "workplace" means a single physical location where business is conducted or where services or industrial operations are performed. (Ord. # 1974-7-1-1)

4-303. Coverage. The provisions of this program shall apply to employees of each administrative department, commission, board, division or other agency of the City of New Johnsonville. (Ord. # 1974-7-1-1)

4-304. Employers' rights and duties. Rights and duties of the employer shall include, but are not limited to the following provisions:

(1) Employer shall furnish to each of his employees conditions of employment and a place of employment free from known and recognized hazards that are causing or are likely to cause death or serious injury or harm to employees: provided, however, that employer shall have a reasonable period of time to correct any such hazards.

(2) Employer shall comply with occupational safety and health standards or regulations promulgated pursuant to the State Occupational Safety and Health Act of 1972.

(3) Employer shall assist the State Commissioner of Labor and State Commissioner of Public Health, upon reasonable notice from the said Commissioner, in the performance of their inspection duties by supplying necessary information to the Commissioners or to their respective assistants or deputies.

(4) Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue.

(5) Employer is entitled to request an order granting a variance from an Occupational Safety and Health Standard.

(6) Employer is entitled to protection of his trade secrets and other legally privileged communications.

(7) Employer shall inspect all installations, departments, bureaus, and offices to insure the provisions of this program are complied with and carried out as soon as reasonably possible after this chapter has been fully implemented.

(8) Employers shall notify and inform any employee, who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard, of corrective action being taken by the city. (Ord. # 1974-7-1-1)

4-305. Employees' rights and duties. Rights and duties of employees shall include, but are not limited to the following provisions:

(1) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

(2) Each employee shall be notified by the placing upon bulletin boards, or other places of common passage, of any application for a temporary order granting a variance from any standard or regulation.

(3) Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director of Personnel.

(5) Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and the corrective action being taken as soon as reasonably possible after this chapter has been fully implemented.

(6) Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection.

(7) No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under or relating to this program.

(8) Any employee who believes that he or she has been discriminated against or discharged in violation of any of these sections may, within thirty (30) days after such violation occurs, file a complaint with the Director of Personnel of the City of New Johnsonville.

(9) Nothing in this section or any other provision of this program shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, and except when such medical examination is reasonably required for performance of a specified job. (Ord. # 1974-7-1-1)

4-306. Standards authorized. The standards adopted by the City of New Johnsonville are the applicable State of Tennessee Safety and Health standards developed under section 6 of the State Occupational Safety and Health Act of 1972. (Ord. # 1974-7-1-1)

4-307. Variances from standards authorized. The City of New Johnsonville may, upon written application to the State Commissioner of Labor or the State Commissioner of Public Health, request an order granting a temporary variance from any approved standards. Prior to requesting such temporary variance, the employer shall notify or serve notice to employees or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city shall be deemed sufficient notice to employees. (Ord. # 1974-7-1-1)

4-308. Imminent danger. Any allegation of imminent danger received shall be handled in accordance with the following procedures:

(1) The Director of Personnel shall immediately ascertain whether there is a reasonable basis for the complaint.

(2) If the imminent danger complaint appears to have merit, the Director of Personnel shall cause an immediate inspection of the alleged imminent danger location.

(3) As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Director of Personnel or the Compliance Inspector shall attempt to have the damage corrected through voluntary compliance. If any employees appear to be in immediate danger, they should be informed of the danger, and the supervisory personnel in charge should be requested to remove them from the area of immediate danger.

(4) The administrative head of the workplace or his authorized representative is responsible for determining the manner in which he will abate the dangerous condition.

(5) The imminent danger shall be deemed abated if the imminence of the danger has been eliminated by removing the employees from the area of danger or the conditions or practices which resulted in the imminent danger have been eliminated.

(6) A written report shall be made to the Director of Personnel describing in detail the imminent danger and its abatement. If a Compliance Inspector is not appointed, this provision should be omitted. (Ord. # 1974-7-1-1)

4-309. Refusal to abate. The following procedures shall be followed in the event of a refusal to abate:

(1) If abatement is refused, the Compliance Inspector shall immediately notify the Director of Personnel for assistance in obtaining voluntary compliance. (If a Compliance Inspector is not appointed, this provision should be omitted).

(2) The Director of Personnel shall take whatever steps are necessary to comply with the abatement procedures set forth in section 4-308(5) above. (Ord. # 1974-7-1-1)

4-310. Inspection. (1) In order to carry out the purposes of this program, the Director of Personnel or, if one is appointed, the Compliance Inspector is authorized:

(a) To enter at any reasonable time any establishment, construction site, plant, or other area, work place, or environment where work is performed by an employee of the City of New Johnsonville,; and,

(b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent or employee working therein.

(2) If, an imminent danger situation is alleged or brought to the attention of the Director of Personnel or a Compliance Inspector during a routine inspection, he shall immediately inspect the imminent danger situation before inspecting the remaining portions of the workplace.

(3) An administrative representative of the city and a representative authorized by the employees may be given an opportunity to consult with or to accompany the Compliance Inspector (Director of Personnel) during the physical inspection of any work place for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The inspection shall be such as to preclude unreasonable disruptions of the work place or establishment.

(6) Interviews of employees during the course of the inspection, when accompanied by an employee representative, may be made when such interviews are essential to the investigation techniques.

(7) Inspections shall be accomplished without advance notice, but the Director of Personnel may authorize the giving to any supervisor or employee advance notice of an inspection. (Ord. # 1974-7-1-1)

4-311. Citation and hearing. If, upon an inspection or investigation, the Director of Personnel, or his Compliance Inspector(s), should one be appointed, finds that any workplace is not in compliance with any standard, rule, regulation or order, and said official is unable to effect a voluntary agreement to bring the workplace into compliance, he shall, with reasonable promptness, issue to the administrative officer responsible for the workplace a written citation that states the nature and location of the violation: the standard, rule, regulation or order violated; the abatement and correction requirements; and a period of time during which the workplace must accomplish such abatement and correction. A copy of each citation shall immediately be posted at or near each location referred to in the citation and remain posted until the alleged violation has been corrected or vacated.

(2) At any time within ten (10) days after receipt of such citation, anyone affected may advise the Director of Personnel of objections to the terms and conditions of the citation. Upon receipt of such objections a hearing shall be held, and the Director of Personnel shall thereafter issue an order affirming, modifying, or vacating the citation and such order shall be final.

(3) The Director of Personnel may issue subpoenas pursuant to his duties as set forth herein, to require the attendance and testimony of witnesses and the production of evidence under oath at such hearings. (Ord. # 1974-7-1-1)

4-312. Penalties. (1) The City of New Johnsonville shall not issue any civil or criminal penalties against any public official, employee, or any other person, administrative department, commission, board, division or other agency of the City of New Johnsonville, for failure to comply with the safety and health standards.

(2) Any employee who willfully and repeatedly violates or causes to be violated a safety standard, rule, regulation, or order shall be subject to disciplinary action by the appointing authority. The appointing authority has the power to administer discipline and it shall be his duty to take action in one of the following ways:

- (a) Oral reprimand
- (b) Written reprimand
- (c) Suspension
- (d) Termination.

(3) The employee being disciplined shall have the right of appeal to the Director of Personnel within ten days after receiving notice of the disciplinary

action and a hearing shall be held as set forth in Sections 4-311(2) and 4-311(3). (Ord. #1974-7-1-1)

4-313. Recordkeeping and reporting. (1) The City of New Johnsonville shall establish and maintain a system for collecting, maintaining and reporting safety and health data as soon to reasonably possible after implementing the provisions of section 4-301(3).

(2) All occupational injuries and illnesses shall be reported to the Director of Personnel on the OSHA forms provided by the State Department of Labor, except that Workmen's Compensation Form 6A may be used in lieu of the Supplementary Record of Occupational Injury/Illness, Form OSHA No. 101.

(3) The Director of Personnel shall maintain a continuous log of occupational injuries and illnesses compiled from the reports set forth above and recorded on Form OSHA No. 100.

(4) Such occupational safety and health records shall be maintained for a period of five (5) years following the end of the year to which they relate.

(5) The City of New Johnsonville shall report within forty-eight (48) hours, either orally or in writing, to the Commissioner of Labor any accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

(6) The City of New Johnsonville shall make an annual report, to the Commissioner of Labor showing the statistical data required by Section 50-550-106 (Annual Summary) of the State OSHA Regulations for Recordkeeping and Reporting. (Ord. # 1974-7-1-1)

4-314. Administration. (1) Upon authorization from the city council, the Director of Personnel may designate, appoint, or employ persons as he deems necessary to carry out his powers, duties and responsibilities under the program.

(2) The Director of Personnel, to the extent possible, shall recommend the employment of measures to coordinate the activities of all city departments to promote efficiency and to minimize inconvenience under the program.

(3) The Director of Personnel may delegate the power to make inspections to the Compliance Inspector(s), provided that the procedures employed are as effective as those employed by the Director.

(4) The Director of Personnel shall develop a plan, pursuant to the City's Occupational Safety and Health Program, and such a plan shall be submitted for approval and adopted by the mayor and the city council. Any subsequent changes or modifications in the plan shall also be submitted to the mayor and the city council for approval and adoption.

(5) The city clerk shall upon adoption of this chapter, immediately register the city's occupational Safety and Health Program with the State Commissioner of Labor by sending to the Commissioner of Labor by certified mail in written statement which includes:

- (a) a statement that the City of New Johnsonville has elected to develop its own program of compliance;
- (b) a statement that such program has been developed and has been reduced to writing;
- (c) a statement of where such writing may be inspected;
- (d) a statement that city employees have been informed of the program and have access to such writing;
- (e) an assurance that the city's program incorporates standards developed pursuant to the State Occupational Safety and Health Act;
- (f) a description of the methods of inspection provided for herein and an assurance that such program includes provisions for inspection and recordkeeping as effective as the provisions of the Tennessee Occupational Safety and Health Act of 1972. (Ord. # 1974-7-1-1)

4-315. Application of other statutes and ordinances. (1) Compliance with any other law, statute or ordinance which regulates safety and health in employment and places of employment shall not excuse the City of New Johnsonville or any city employee, or any other person from compliance with the provisions of this program.

(2) Compliance with any provisions of this program or any standard or regulation promulgated pursuant to this program shall not excuse the City of New Johnsonville or any city employee, or any other person from compliance with any state law or city ordinance regulating and promoting safety and health unless such law or resolution is specifically repealed. (Ord. # 1974-7-1-1)

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-401. Purpose.

4-402. Enforcement.

4-403. Travel policy.

4-404. Travel reimbursement rate schedules.

4-405. Administrative procedures.

4-401. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #1993-3, July 1993)

4-402. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #1993-3, July 1993)

4-403. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

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

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

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

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #1993-3, July 1993)

4-404. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #1993-3, July 1993, modified)

4-405. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #1993-3, July 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION¹

CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE AND BUSINESS TAXES GENERALLY.
3. WHOLESALE BEER TAX.
4. PURCHASING.
5. OFFICIAL DEPOSITORY.

CHAPTER 1

REAL PROPERTY TAXES

SECTION

5-101. When due and payable.

5-102. When delinquent--penalty and interest.

5-101. When due and payable. Taxes levied by the municipality against real property shall become due and payable annually on the first day of October of the year for which levied. (1973 Code, sec. 6-101)

5-102. When delinquent--penalty and interest.² All real property taxes shall become delinquent thirty (30) days after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the basic charter act for delinquent real property taxes. (1973 Code, sec. 6-102)

¹Charter reference

See Article IV, Fiscal Administration, for specific provisions governing municipal finance.

²For further related information see Article IV, section 15 of the basic charter.

CHAPTER 2

PRIVILEGE AND BUSINESS TAXES GENERALLY¹

SECTION

5-201. Tax levied.

5-202. License required.

5-201. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws.

The taxes provided for in the State's "Business Tax Act" are hereby expressly enacted, ordained and levied on the business activities, vocations and occupations carried on within the City of New Johnsonville at the rates and in the manner prescribed by the said act. (1973 Code, sec. 6-301)

5-202. License required. No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the city clerk to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1973 Code, sec. 6-302)

¹Charter reference

See also Article IV, section 4.14 for tax levy.

CHAPTER 3

WHOLESALE BEER TAX¹

SECTION

5-301. To be collected.

5-301. To be collected. The city clerk is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in chapter 3 of title 57, Tennessee Code Annotated. (1973 Code, sec. 6-401)

¹Municipal code reference

See title 8 of this code, Alcoholic Beverages, for regulations of beer and alcohol.

CHAPTER 4

PURCHASING

SECTION

5-401. Purchasing.

5-401. Purchasing. The provisions of Tennessee Code Annotated, sections 6-56-301 et seq and all amendments thereto, known as the Municipal Purchasing Law of 1983, is adopted herein by reference, and shall be considered as part of the New Johnsonville Municipal Code. The city shall conduct its purchases according to the terms of the aforementioned provisions. A copy of these provisions shall be available for public inspection or review.¹ (Ord. # 1988-7, as modified)

¹See office of the recorder for review of these provisions.

CHAPTER 5

OFFICIAL DEPOSITORY

SECTION

5-501. Official depository for city funds.

5-501. Official depository for city funds¹. The Citizens Bank of New Johnsonville, Tennessee, is hereby designated as the official depository for all municipal funds. (1973 Code, sec. 6-501)

¹See Ordinance # 1975-7-7-1, Gambling forfeitures, where a special account has been created for funds used by local law enforcement officers.

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST¹

SECTION

6-101. Policemen subject to chief's orders.

6-102. Policemen to preserve law and order, etc.

6-103. Policemen to wear uniforms and be armed.

6-104. When policemen to make arrests.

6-105. Policemen may require assistance in making arrests.

6-106. Disposition of persons arrested.

6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1973 Code, sec. 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1973 Code, sec. 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniforms and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1973 Code, sec. (1-403)

6-104. When policemen to make arrests.² 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:

¹Municipal code reference

Traffic citations, etc.: See title 15 of this code.

²State law reference

See section 40-7-102 to 40-7-103, Tennessee Code Annotated.

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1973 Code, sec. 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any male person to willfully refuse to aid a policeman in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1973 Code, sec. 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1973 Code, sec. 1-406)

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

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1973 Code, sec. 1-407)

TITLE 7

FIRE PROTECTION AND FIREWORKS

CHAPTER

1. GENERAL PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.

CHAPTER 1

GENERAL PROVISIONS

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows:
The general business district of New Johnsonville. (1973 Code, sec. 7-101)

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.
- 7-208. Open burning.
- 7-209. Hot ashes and other combustible materials.

7-201. Fire code adopted. Pursuant to authority granted by section 6-52-202, Tennessee Code Annotated, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code,² 1970 edition, as recommended by the American Insurance Association is hereby adopted by reference and included herein as a part of this code. Pursuant to the requirement of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of said fire prevention code has been filed with the city clerk and are available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1973 Code, sec. 7-201, modified)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1973 Code, sec. 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of New Johnsonville, Tennessee. (1973 Code, sec. 7-203)

¹Municipal code reference

See title 12 of this code for the building, utility, and housing codes.

²Copies of this code are available from the American Insurance Association, Engineering and Safety Department, 85 John Street, New York, New York 10038. The latest edition should be requested.

7-204. Storage of explosives, flammable liquids, etc. The limits referred to in section 12.5b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 16.22a of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 16.51 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in section 7-101 of this code.

The limits referred to in section 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in section 7-101 of this code. (1973 Code, sec. 7-204)

7-205. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1973 Code, sec. 7-205)

7-206. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (1973 Code, sec. 7-206)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1973 Code, sec. 7-207)

7-208. Open burning. (1) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. The application shall be made in advance upon an approved form and shall be approved beforehand by the fire

chief. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(2) No person shall kindle or maintain any bonfire or rubbish fire or cause any such fire to be kindled or maintained on any private land unless the location is not less than 50 ft. from any structure and adequate provision is made to prevent fire from spreading within 50 ft. of any structure, or the fire is contained in an approved waste burner located safely, not less than 25 ft. from any structure and a permit is obtained.

(3) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

(4) The fire chief may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous. (as added by Ord. #1999-01, May 1999)

7-209. Hot ashes and other combustible materials. No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within 10 ft. of any combustible materials, except in metal or other noncombustible covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the buildings, shall be placed on noncombustible stands and in every case shall be kept at least 3 ft. away from any combustible wall to partition, or exterior window opening. (as added by Ord. #1999-01, May 1999)

CHAPTER 3

FIRE DEPARTMENT

SECTION

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training.

7-307. Equipment to be used only within corporate limits generally.

7-308. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the governing body and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1973 Code, sec. 7-301)

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

- (1) To prevent uncontrollable fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1973 Code, sec. 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1973 Code, sec. 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1973 Code, sec. 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the governing body.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1973 Code, sec. 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1973 Code, sec. 7-306)

7-307. 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 municipal governing body. (1973 Code, sec. 7-307)

7-308. Chief to be assistant to state officer. Pursuant to requirements of section 68-17-108 of the Tennessee Code Annotated, 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 chapter 17 of title 68 of said Tennessee Code Annotated, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1973 Code, sec. 7-308)

TITLE 8

ALCOHOLIC BEVERAGES

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-102. Advertising alcoholic beverages.

8-101. Prohibited generally. Except as authorized by applicable laws¹ and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1973 Code, sec. 2-101)

8-102. Advertising alcoholic beverages. Any sign utilized by a retailer for the purpose of advertising alcoholic beverages and the name or nature of the business, shall be attached to the building wherein the retail sales are made. The sign shall be one contiguous sign and shall not be greater than four (4) feet in height or fifteen (15) feet in length inclusive, for the total advertising surface or surfaces of such sign, and if lighted, the illumination shall be of a continuous nature only.

The sign shall only contain the name of the business and the additional words liquor and/or wine as the retailer may desire. No brand of alcoholic beverage may be advertised on the exterior of the building. (Ord. # 1984-2, as modified)

¹State law reference

See Tennessee Code Annotated, title 39, chapter 6.

CHAPTER 2

BEER¹

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; privilege tax; civil penalty in lieu of suspension.
- 8-208. Beer permits shall be restrictive.
- 8-209. Prerequisites to issuance of permit.
- 8-210. Interference with public health, safety, and morals prohibited.
- 8-211. Applicants required to file bond.
- 8-212. Hours of sale.
- 8-213. Permits not transferable.
- 8-214. Business conducted on ground floor, generally.
- 8-215. Beer sold at retail to be removed from table, etc.
- 8-216. Revocation of beer permits.
- 8-217. Minors in beer places.
- 8-218. Drinking beer, etc., on streets, etc.
- 8-219. Lighting.
- 8-220. Signs.

8-201. Beer board established. There is hereby established a beer board to be composed of the mayor and all members of the governing body. The mayor shall serve as chairman of the beer board and preside over all meetings. If the mayor is unable to attend a meeting then, a quorum being present, the members of the board shall appoint one of themselves to preside. All members of the beer board shall serve without additional compensation. (Ord. # 1987-6)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. # 1987-6)

¹For a leading case in Tennessee on a municipality's authority to regulate beer, see the 1947 Tennessee Supreme Court decision in Grubb et al. v. Mayor and Aldermen of Morristown et al., 185 Tenn. 114.

8-203. Record of beer board proceedings to be kept. The city clerk shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. # 1987-6)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (Ord. # 1987-6)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter. (Ord. # 1987-6)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. # 1987-6)

8-207. Permit required for engaging in beer business; privilege tax; civil penalty in lieu of suspension. (1) Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated § 57-5-101(b), and shall be accompanied by a non-refundable applicant 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 New Johnsonville. Each applicant must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter.

(2) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual 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 New Johnsonville, 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.

(3) Civil penalty in lieu of suspension. 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. (Ord. #1987-6, as replaced by Ord. #1993-4, § 1, Oct. 1993)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption if the premises is not situated to meet the needs of public health, safety or traffic control. 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 to sell beer, and a violation thereof. (Ord. # 1987-6)

8-209. Prerequisites to issuance of permit. Any application for a permit to sell beer shall be in writing, executed under oath and filed with the beer board as a condition precedent to its issuance and shall contain the following:

(1) Name of applicant and location where the business is to be conducted.

(2) Name of the owner of the premises where the business is to be conducted.

(3) That the applicant has not been convicted of violating any law regulating or prohibiting the sale of intoxicating liquor or of any crime in which moral turpitude was involved within ten (10) years preceding the filing of such application.

(4) An application for the beer permit shall be filed by an individual who is the owner or proprietor and is the person charged with responsibility for the oversight, operation and control of the business and its employees. An individual may be licensed at more than one location, but each separate business location shall require a separate beer permit.

(5) All applicants issued a permit shall agree with the beer board that he will not:

(a) Permit loitering on the premises.

(b) Allow anyone under the age of eighteen (18) to sell beer.

(c) Violate any state law, city ordinance or the terms of his permit.

(d) Employ any person who has been convicted of violating any law or ordinance regulating or prohibiting the sale of intoxicating beverage, nor any person who has been convicted of any crime involving moral turpitude within ten (10) years preceding the filing of the application.

(e) Sell beer to any minor or to any intoxicated person.

(6) The applicant shall furnish the full name, address, date of birth and social security number of all owners, co-owners, employees, members of the family or anyone else involved in the dispensing or selling of beer at retail on the licensed premises.

(7) Before the city beer board may place the issuance of a beer license or permit upon its agenda at its regular city council meeting or such other time as it may establish for conducting the business of the city beer board or act upon the application for issuance of such permit, the applicant shall file a fully completed application with the city clerk for New Johnsonville, which city clerk shall cause to be published in the official city newspaper a notice of such application listing the name of the applicant, the address of the location for such license or permit and the date and time of its meeting at which such application shall be considered. The notice shall be published not less than ten (10) days prior to such meeting. Such meeting shall be a public hearing for the purpose of hearing the statement of any person or his attorney on any application for a license or permit.

(8) Prior to consideration of an application for the sale of beer under this section, the city clerk shall collect an application fee of \$100.00 for use in offsetting the expenses of investigation of the applicant and the publication of notices required by this section. Regardless of whether an application is approved or denied no portion of such fee shall be returned to the applicant. (Ord. # 1987-6, as modified, as amended by Ord. 1997-08, Jan. 1997)

8-210. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within one thousand (1,000) feet of any school, church, or other such place of public gathering. (Ord. # 1987-6, as amended by Ord. 1997-01, May 1997)

8-211. Applicants required to file bond. All applicants shall file a bond with the city clerk in the penal amount of twenty five hundred (\$2500.00) dollars payable to the State of Tennessee and signed by such sureties as are acceptable to the beer board. Such bond shall be conditioned that the principal will pay any fine assessed against him by a court of competent jurisdiction. (Ord. # 1987-6)

8-212. Hours of sale. It shall be lawful to sell beer for on-premises consumption within this municipality between the hours of 6:00 A.M. and 1:00 A.M. inclusive; except on election days before and while the polls are lawfully open and except on Sundays when on-premises consumption shall be allowed between the hours of 1:00 P.M. and 12:00 Midnight; packaged beer may be sold for off-premises consumption between the hours of 5:00 A.M. and 1:00 A.M. (Ord. # 1987-6)

8-213. Permits not transferable. No permit issued under the provisions of this chapter is transferable, either as to location or to successor by purchase or otherwise. (Ord. # 1987-6)

8-214. Business to be conducted on ground floor, generally. Beer shall not be sold for consumption on the premises other than on the ground floor of any building with chartered clubs being exceptions to this section. (Ord. # 1987-6)

8-215. Beer sold at retail to be removed from table, etc. After 1:00 A.M. no beer shall be sold. All beer sold at retail shall be removed from tables, bars or other portions of the licensed premises by 1:30 A.M. (Ord. # 1987-6)

8-216. Revocation of beer permits. (1) The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or 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 of not less than ten (10) days to all of the known parties in interest. Revocation proceedings may be initiated by the chief of police or any member of the beer board.

(2) A finding by a majority of the beer board that a permit holder has violated an ordinance or statute concerning an application for permit or the sale of beer at retail shall result in a minimum term for suspension of beer sales of three (3) days with such time period to begin ten (10) days from the finding made by the beer board. Subsequent violations occurring within a twelve (12) month period shall result in a minimum suspension of license of ten (10) days for a second offense and automatic revocation for the finding of a third violation committed within a twelve month period. Nothing herein however, shall operate to restrict the power of the beer board to revoke a beer permit for any violation of the statutes in this chapter or laws of the State of Tennessee. (Ord. # 1987-6)

8-217. Minors in beer places. No person of less than the legal age to drink beer shall loiter in or around, any place where beer is sold at retail for consumption on the premises. (Ord. # 1987-6, as modified)

8-218. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink, consume, or have any open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or public place unless such public place has a beer permit and license for on premises consumption. (Ord. # 1987-6)

8-219. Lighting. The owner or person in charge of the building or structure where beer is sold or consumed shall have lighting in said building sufficient to look from wall to wall in a straight line and perceive persons at the far wall. (Ord. # 1987-6, as modified)

8-220. Signs. It shall be unlawful for any owner or person in charge of the business where beer is sold or consumed to post any sign stating the words SUNDAY BEER SALES in any sequence. (Ord. # 1987-6, as modified)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER

1. GENERALLY.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS
6. CABLE TELEVISION.

CHAPTER 1

GENERALLY

SECTION

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1973 Code, sec. 5-101)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1973 Code, sec. 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, not to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations. (1973 Code, sec. 5-202)

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

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹For privilege tax provisions, etc., see title 5 in this code.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

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

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

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1973 Code, sec. 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city clerk within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city clerk shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by section 9-206. The city clerk shall keep a permanent record of all permits issued. (1973 Code, sec. 5-204)

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

officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1973 Code, sec. 5-205)

9-206. Bond. Every permittee shall file with the city clerk a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without cost of all further liability. (1973 Code, sec. 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (1973 Code, sec. 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1973 Code, sec. 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1973 Code, sec. 5-209)

9-210. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1973 Code, sec. 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1973 Code, sec. 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1973 Code, sec. 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1973 Code, sec. 5-213)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Permit required.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city clerk authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1973 Code, sec. 5-301)

9-302. Prerequisites for a permit. The city clerk shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

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

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1973 Code, sec. 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1973 Code, sec. 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1973 Code, sec. 5-304)

CHAPTER 4

TAXICABS

SECTION

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

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1973 Code, sec. 5-401)

9-402. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body; and make a recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding

whether or not to grant the franchise the governing body shall consider the public need for additional service, the increased traffic congestion parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1973 Code, sec. 5-402)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the city clerk of the municipality. (1973 Code, sec. 5-403)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1973 Code, sec. 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the municipality unless such taxicab is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from inside of the taxicab without the intervention or assistance from the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1973 Code, sec. 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1973 Code, sec. 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semi-annually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1973 Code, sec. 5-407)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1973 Code, sec. 5-408)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1973 Code, sec. 5-409)

9-410. Revocation or suspension of drivers permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in section 9-409. (1973 Code, sec. 5-410)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1973 Code, sec. 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers, if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1973 Code, sec. 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1973 Code, sec. 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1973 Code, sec. 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet, and tranquility of the municipality in any way. (1973 Code, sec. 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1973 Code, sec. 5-416)

9-417. Fares. All fares for the transportation of passengers by taxicab within the corporate limits of this municipality shall be established by resolution of the governing body. (1973 Code, sec. 5-417)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

9-503. Minors to be kept out; exception.

9-504. Gambling, etc., not to be allowed.

9-501. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1973 Code, sec. 5-501)

9-502. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 p.m. and 6:00 a.m. on other days. (1973 Code, sec. 5-502)

9-503. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1973 Code, sec. 5-503)

9-504. Gambling, etc., not to be allowed. It shall be unlawful for any person operating, conducting, or maintaining any place where pool tables or billiard tables are kept for public use or hire, to permit any gambling or other unlawful or immoral conduct on such premises. (1973 Code, sec. 5-504)

¹For privilege tax provisions, etc., see title 5 in this code.

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television shall be furnished to the City of New Johnsonville and its inhabitants under franchise granted to Aurora Cable TV Company by the board of mayor and aldermen of the City of New Johnsonville, Tennessee. The rights, powers, duties and obligations of the City of New Johnsonville and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see ordinance no. 1997-05 date August 12, 1997 in the office of the city recorder.

TITLE 10

ANIMAL CONTROL¹

CHAPTER

1. IN GENERAL.

2. DOGS.

CHAPTER 1

IN GENERAL

SECTION

10-101. Running at large prohibited.

10-102. Keeping near a residence or business restricted.

10-103. Pen or enclosure to be kept clean.

10-104. Adequate food, water, and shelter, etc., to be provided.

10-105. Keeping in such manner as to become a nuisance prohibited.

10-106. Cruel treatment prohibited.

10-107. Seizure and disposition of animals.

10-108. Inspections of premises within city limits.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large within the corporate limits. (Ord. # 1988-5)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl, as referred in the preceding section, within five hundred (500) feet of any residence of another, or place of business of another, within such distance of the public road, alley, or street without a permit being issued for the keeping of such animal or fowl. Such permit will be issued by the city council at its discretion, subject to a review of the premises, the public health and safety, and the following conditions:

(1) The land or lot must contain a minimum of 5 acres.

(2) The area of enclosure must be securely fenced.

(3) Each animal shall have at least 1.5 acres of enclosure.

A permit issued by the council may be reviewed at any time or revoked if the permittee does not comply with the terms of this chapter. (Ord. # 1988-5)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, keep, barn, structure, pen, corral,

¹See Article 1, section 1.04(o) of the basic charter.

enclosure, or pasture in which they are kept shall at all times be maintained in a clean and sanitary condition so as not to become a public nuisance. (Ord. # 1988-5)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place, enclosure or pasture where the food, water, shelter and ventilation are not adequate and sufficient for the preservation of its life, health, and safety. (Ord. # 1988-5)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a manner, place or condition as to become a nuisance to others either because of pollution, contaminated run-off, noise, offensive odor, contagious disease, insects, or other public health concern or valid police power reason. (Ord. # 1988-5)

10-106. Cruel treatment prohibited. It shall be unlawful, punishable as a misdemeanor, for any person to beat without reason or otherwise abuse, taunt, sore, fight or injure by intent, any animal or fowl, which shall not include valid veterinarian treatment or sexual neutering of animals. (Ord. # 1988-5)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of the provisions of this chapter may be seized by any employee of the city or any other designated person upon application to and an order issued by a magistrate of the city court. Such animal or fowl will then be confined in a location designated by the mayor. If the owner is known, notice of confinement will be given in person, or by telephone, or by mail addressed to the last known address. If the owner is not known or cannot be located, then notice describing the impounded animal or fowl will be posted in at least three (3) places frequented by the general public within the corporate limits. Said notice shall further state that the impounded animal or fowl must be claimed within five (5) days or the same will be sold to pay its costs of capture and confinement. If unable to be sold then it shall be humanely destroyed. Notwithstanding the sale of the animal or fowl at whatever the same shall bring, the city may still collect its cost, expenses and reasonable charge from the owner of the animal or fowl if such costs should exceed the amount received by sale. (Ord. # 1988-5)

10-108. Inspections of premises within city limits. For the purpose of insuring compliance with the provisions of this chapter, the employees of the city or any other designated person shall be authorized to enter for the purpose of making an inspection any premises situated within the city limits, at any reasonable time, where there is reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (Ord. # 1988-5)

CHAPTER 2

DOGS

SECTION

- 10-201. Rabies vaccination and registration required.
- 10-202. Dogs to wear tags.
- 10-203. Running at large prohibited.
- 10-204. Vicious dogs to be securely restrained.
- 10-205. Noisy dogs prohibited.
- 10-206. Confinement of dogs suspected of being rabid.
- 10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Sections 68-8-101 to 68-8-114, Tennessee Code Annotated). (1973 Code, sec. 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1973 Code, sec. 3-202)

10-203. Running at large prohibited.¹ It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1973 Code, sec. 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons. (1973 Code, sec. 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1973 Code, sec. 3-205)

¹See sections 44-8-108, 68-8-108, and 68-8-109, Tennessee Code Annotated.

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause such dog to be confined or isolated for such time as he reasonably deems necessary to determine if such dog is rabid. (1973 Code, sec. 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the governing body. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, to be fixed by the pound keeper, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and a tag placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.¹ (1973 Code, sec. 3-207)

¹For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see the 1927 case of Darnell v. Shapard, 156 Tenn. 544.

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. GENERALLY.
2. ENUMERATED.
3. MARIJUANA OR DRUG PARAPHERNALIA.

CHAPTER 1

GENERALLY

SECTION

11-101. Misdemeanors of the state adopted.

11-101. Misdemeanors of the state² adopted. All offenses against the State of Tennessee which are committed within the corporate limits and which are defined by the state law or are recognized by the common law to be misdemeanors are hereby designated and declared to be offenses against the city also. Any violation of any such law within the corporate limits is also a violation of this section. (1973 Code, sec. 10-101)

¹For offenses relating to animals and fowls, see title 10 in this code; for offenses relating to fireworks, etc., see title 7; for traffic offenses, see title 15; for non-traffic offenses relating to streets and sidewalks, see title 16.

²See sections 39-1-103 and 39-1-104 of the Tennessee Code Annotated for the definition of a "misdemeanor."

CHAPTER 2

ENUMERATED

SECTION

- 11-201. Assault and battery.
- 11-202. Disturbing the peace.
- 11-203. Disorderly houses.
- 11-204. Immoral conduct.
- 11-205. Obscene literature, etc.
- 11-206. Indecent or improper exposure or dress.
- 11-207. Window peeping.
- 11-208. Profanity, etc.
- 11-209. Escape from custody or confinement.
- 11-210. Resisting or interfering with an officer.
- 11-211. Impersonating a government officer or employee.
- 11-212. Weapons and firearms generally.
- 11-213. Air rifles, etc.
- 11-214. Throwing of missiles.
- 11-215. Gambling.
- 11-216. Promotion of gambling.
- 11-217. False emergency alarms.
- 11-218. Loitering.
- 11-219. Prowling.
- 11-220. Vagrancy.
- 11-221. Trespassing on trains.
- 11-222. Abandoned refrigerators, etc.
- 11-223. Curfew for minors.
- 11-224. Malicious mischief.
- 11-225. Trespassing.
- 11-226. Posting notices, etc.
- 11-227. Drinking beer, etc., on streets, etc.
- 11-228. Coercing people not to work.
- 11-229. Caves, wells, cisterns, etc.
- 11-230. Interference with traffic.
- 11-231. Anti-noise regulations.
- 11-232. Fortune telling, etc.
- 11-233. Wearing masks
- 11-234. Unlawful interception of cablevision service line signal.

11-201. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1973 Code, sec. 10-201)

11-202. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1973 Code, sec. 10-202)

11-203. Disorderly houses. It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution or lewdness or where drunkenness, quarreling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Furthermore, it shall be unlawful for any person to knowingly visit any such house. (1973 Code, sec. 10-203)

11-204. Immoral conduct. No person shall commit, offer, or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or an act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion; nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. (1973 Code, sec. 10-204)

11-205. Obscene literature, etc. It shall be unlawful for any person to publish, sell, exhibit, distribute, or possess for the purpose of loaning, selling, or otherwise circulating or exhibiting, any book, pamphlet, ballad, movie film, filmstrip, phonograph record, or other written, printed, or filmed matter containing obscene language, prints, pictures, or descriptions manifestly intended to corrupt the morals. (1973 Code, sec. 10-205)

11-206. Indecent or improper exposure or dress. It shall be unlawful for any person to publicly appear naked or in any dress not appropriate to his or her sex, or in any indecent or lewd dress, or to otherwise make any indecent exposure of his or her person. (1973 Code, sec. 10-206)

11-207. Window peeping. No person shall spy, peer, or peep into any window of any residence or dwelling premise that he does not occupy nor shall he loiter around or within view of any such window with the intent of watching or looking through it. (1973 Code, sec. 10-207)

11-208. Profanity, etc. No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or

around any place of business open to the use of the public. (1973 Code, sec. 10-208)

11-209. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1973 Code, sec. 10-209)

11-210. Resisting or interfering with an officer. It shall be unlawful for any person to knowingly resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1973 Code, sec. 10-210)

11-211. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore no person shall deceitfully impersonate or represent that he is any government officer or employee. (1973 Code, sec. 10-211)

11-212. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties. It shall also be unlawful for any unauthorized person to discharge a firearm within the City of New Johnsonville. (1973 Code, sec. 10-212)

11-213. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1973 Code, sec. 10-213)

11-214. Throwing of missiles. 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. (1973 Code, sec. 10-214)

11-215. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1973 Code, sec. 10-215)

11-216. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1973 Code, sec. 10-216)

11-217. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act. (1973 Code, sec. 10-217)

11-218. Loitering. It shall be unlawful for any person without legitimate business or purpose to loaf, loiter, wander, or idle in, upon, or about any way or place customarily open to public use. (1973 Code, sec. 10-218)

11-219. Prowling. It shall be unlawful for any person to prowl or wander about the streets, alleys, or other public or private ways or places, or be found abroad at late or unusual hours in the night without any visible or lawful business and when unable to give a satisfactory account of himself. (1973 Code, sec. 10-219)

11-220. Vagrancy. It shall be unlawful for any person to beg or solicit alms. (1973 Code, sec. 10-220, modified)

11-221. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1973 Code, sec. 10-221)

11-222. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1973 Code, sec. 10-223)

11-223. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night after 11:00 p.m. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1973 Code, sec. 10-224)

11-224. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to wilfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1973 Code, sec. 10-225)

11-225. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall 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. (1973 Code, sec. 10-226)

11-226. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device on any public or private property unless legally authorized to do so. (1973 Code, sec. 10-227)

11-227. Drinking beer, etc., on streets, etc.¹ It shall be unlawful for any person to drink, consume, or have any open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has a beer permit and license for on premises consumption. (1973 Code, sec. 10-229)

11-228. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1973 Code, sec. 10-231)

¹Municipal code reference

See also title 8, section 8-217, minors in beer places.

11-229. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1973 Code, sec. 10-232)

11-230. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to unreasonably prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1973 Code, sec. 10-233)

11-231. Anti-noise regulations. Subject to the provisions of this section the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

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

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

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, 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 persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale, or display of merchandise.

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

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

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

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city clerk. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1973 Code, sec. 10-234)

11-232. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1973 Code, sec. 10-235)

11-233. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

(1) Children under the age of ten (10) years.

(2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.

(3) Persons wearing gas masks in civil defense drills and exercises or emergencies.

(4) Any person having a special permit issued by the city clerk to wear a traditional holiday costume. (1973 Code, sec. 10-236)

11-234. Unlawful interception of cablevision service line signal. It shall be unlawful for any person or persons to tap, intercept, interfere with or otherwise affect the transmission signal or quality of signal as distributed by a franchise licensed to distribute that service and signal under an exclusive franchise granted by the City of New Johnsonville. Each violation of this section may be penalized by a fine of not more than \$50.00 plus court costs for

purposes of this section each day of unlawful interception of affecting of signal shall constitute a separate violation. In the event a fine is not promptly paid as levied, the full amount of fines and costs may be assessed against the violator's property interests, if any, and taxed and collected as in the manner provided for the collection of all other taxed which have become past due and unpaid. (Ord. # 1982-3)

CHAPTER 3

MARIJUANA OR DRUG PARAPHERNALIA

SECTION

11-301. Possession of marijuana to be violation; fine.

11-302. Possession of paraphernalia to be violation; fine.

11-301. Possession of marijuana to be violation; fine. It shall be a violation of this municipal code for any person to have less than one-half ounce of marijuana in their possession while within the municipal limits, and punishable by a fine of not less than \$50.00 nor more than \$250. (as added by Ord. #2000-02, March 2000)

11-302. Possession of paraphernalia to be violation; fine. It shall be a violation of this municipal code for any person to have in their possession paraphernalia whether pipes, clips or other such apparatus to be used for the taking, smoking, inhaling, or injecting of illegal or unlawful drugs by that person within these municipal limits, and punishable by a fine of not less than \$50.00 nor more than \$250.00. (as added by Ord. #2000-02, March 2000)

TITLE 12

BUILDING, UTILITY, ETC. CODES¹

CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. HOUSING CODE.
5. FAIR HOUSING.

CHAPTER 1

BUILDING CODE¹

SECTION

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

12-101. Building code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated and for the purpose of regulating the construction, alteration) repair, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Southern Standard Building Code,² 1969 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1973 Code, sec. 4-101)

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the council. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set

¹Municipal code reference

For related provisions see title 7, "Fire Protection and Fireworks"; title 14, "Zoning and Land Use Control."

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress, International, Inc., 900 Montclair Road, Birmingham, Alabama 35203.

forth in section 107.4 is amended so that the fees to be collected shall be exactly one-half of the sums therein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 114 of the building code is hereby deleted. (1973 Code, sec. 4-102)

12-103. Available in city clerk's office. Pursuant to the requirements of section 6-621 of the Tennessee Code Annotated, one (1) copy of the building code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-103)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1973 Code, sec. 4-104)

CHAPTER 2

PLUMBING CODE¹

SECTION

12-201. Plumbing code adopted.

12-202. Modifications.

12-203. Available in city clerk's office.

12-204. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Southern Standard Building Code, Part III, Plumbing,² 1971 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1973 Code, sec. 4-201)

12-202. Modifications. Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the governing body.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the plumbing code. Section 111 of the plumbing code is hereby deleted. (1973 Code, sec. 4-202)

12-203. Available in city clerk's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the plumbing code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-203)

¹Municipal code reference

See also title 18, Water and Sewers.

²Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress, International, Inc., 900 Montclair Road, Birmingham, Alabama 35203.

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1973 Code, sec. 4-204)

CHAPTER 3

ELECTRICAL CODE

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,¹ 1971 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. (1973 Code, sec. 4-301)

12-302. Available in city clerk's office. Pursuant to the requirements of section 6-54-502 of the Tennessee Code Annotated, one (1) copy of the electrical 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. (1973 Code, sec. 4-302)

12-303. Permit required for doing electrical work. No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1973 Code, sec. 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1973 Code, sec. 4-304)

12-305. Enforcement. The electrical inspector shall be such person is the governing body shall appoint or designate. It shall be his duty to enforce

¹Copies of this code are available at the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

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. (1973 Code, sec. 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in section 68-17-143, Tennessee Code Annotated, for the electrical inspections by deputy inspectors or the state fire marshal. (1973 Code, sec. 4-306)

CHAPTER 4

HOUSING CODE

SECTION

12-401. Housing code adopted.

12-402. Modifications.

12-403. Available in city clerk's office.

12-404. House trailers.

12-405. Violations.

12-401. Housing code adopted. Pursuant to authority granted by section 6-54-501 of the Tennessee Code Annotated, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Southern Standard Housing Code,¹ 1969 edition, as prepared and adopted by the Southern Building Code Congress, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1973 Code, sec. 4-401)

12-402. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the governing body to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the council. Section 109 of the housing code is deleted. (1973 Code, sec. 4-402)

12-403. Available in city clerk's office. Pursuant to the requirements of section 6-64-502 of the Tennessee Code Annotated, one (1) copy of the housing code with the above modifications has been placed on file in the city clerk's office and shall be kept there for the use and inspection of the public. (1973 Code, sec. 4-403)

12-404. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefore shall have been

¹Copies of this code are available from the Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama 35203.

first duly issued by the building official, as provided for in the building code. (1973 Code, sec. 8-404)

12-405. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1973 Code, sec. 4-404)

CHAPTER 5

FAIR HOUSING

SECTION

- 12-501. Definitions.
- 12-502. Purposes of law; construction; effect.
- 12-503. Unlawful housing practices.
- 12-504. Blockbusting.
- 12-505. Exemptions from housing provisions.
- 12-506. Provisions for enforcement.
- 12-507. Agency no defense in proceeding against real estate dealer.
- 12-508. Establishment of procedures for conciliation.
- 12-509. Findings of hearing committee; nature of affirmative action.
- 12-510. Investigations, power, records.
- 12-511. Conspiracy to violate this chapter unlawful.

12-501. Definitions. Except where the context clearly indicates otherwise, the following terms as used in this chapter shall have the following meanings:

(1) "Hearing committee" means the New Johnsonville City Council. Said committee shall hear, make determinations, and issue findings in all cases of discriminatory practices in housing resulting from conciliation failure.

(2) "Conciliation agreement" means a written agreement or statement setting forth the terms of the agreement mutually signed and subscribed to by both compliantant(s) and respondent(s) and witnessed by a duly authorized enforcing agent.

(3) "Conciliation failure" means any failure to obtain a conciliation agreement between the parties to the discrimination charge or a breach thereof.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of person or persons because of race, color, religion, national origin, or sex, or the aiding, abetting, inciting, coercing, or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock

companies, trust, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the city or any of its agencies or any owner of real property that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereof, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual whether licensed or not who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or the improvements to negotiate on behalf of others such an activity; or who advertises or holds themselves out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrances upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchanger rental, or lease of real estate through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these. (Ord. # 1983-4)

12-502. Purposes of law, construction: effect. The general purposes of this chapter are:

(1) To provide for execution, within the City of New Johnsonville of the policies embodied in Title VIII of the Federal Civil Rights Act of 1968, as amended.

(2) To safeguard all individuals within the city from discrimination in housing opportunities because of race, color, religion, national origin, or sex; thereby to protect their interests in personal dignity and freedom from humiliation; to secure the city against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the city.

Nothing contained in the chapter shall be deemed to repeal any other law of this city relating to discrimination because of race, color, religion, national origin, or sex. (Ord. # 1983-4)

12-503. Unlawful housing practices. It is an unlawful practice for a real estate owner or operator for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, or lease or otherwise deny to or withhold real property from an individual because of his or her race, color, religion, national origin, or sex.

(2) To discriminate against an individual because of his or her race, color, religion, national origin, or sex in the terms, conditions, or privileges of this sale, exchange, rental, or lease of real property or in the furnishing of facilities or services in connection therewith.

(3) To refuse to receive or transmit a bonafide offer to purchase, rent, or lease real property from an individual because of his or her race, color, religion, national origin, or sex.

(4) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his or her race, color, religion, national origin, or sex.

(5) To represent to an individual that real property is not available for inspection, sale, rental, or lease when, in fact, it is so available, or to refuse to permit an individual to inspect real property because of his or her race, color, religion, national origin, or sex.

(6) To print, circulate, post, or mail or cause to be printed, circulated, posted, or mailed an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental, or lease of real property which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, national origin, or sex or an intent to make such a limitation specification, or discrimination.

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that an individual may be discriminated against in the sale, rental, or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, color, religion, national origin, or sex.

(8) To otherwise deny to or withhold real property from an individual because of race, color, religion, national origin, or sex. (Ord. # 1983-4)

12-504. Blockbusting. It is an unlawful practice for a real estate owner or operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, or national origin of the owners or occupants in the block, neighborhood, or areas in which the real property is located.

(2) To represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located. (Ord. # 1983-4)

12-505. Exemptions from housing provisions. (1) Nothing in section 12-503 shall apply:

(a) To the rental of housing accommodations in a building which contains housing accommodations for not more than four families living independently of each other, if the owner or member of his family resides in one of the housing accommodations.

(b) To the rental of one room or one rooming unit in a housing accommodation by an individual if he or a member of his family resides therein.

(c) To a landlord who refuses to rent to an unmarried male-female couple.

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin.

(3) Single sex dormitory rental property shall be excluded from the provisions of this act which relate to discrimination based on sex. (Ord. # 1983-4)

12-506. Provisions for enforcement. (1) The violation of any of the provisions of this chapter shall subject the violator to a civil penalty in the amount of \$50.00 to be recovered in a civil action, provided that in the case of a continuing violation, the total penalty shall not exceed \$1,000.00.

(2) The city may sue in a civil act through the General Court of Justice for appropriate remedies to enforce the provisions of this chapter, including temporary restraining orders and mandatory and prohibitory injunctions.

(3) In addition to appropriate civil and/or equitable remedies for enforcement of this chapter, a violation of this shall constitute a misdemeanor punishable as provided by law. (Ord. # 1983-4)

12-507. Agency no defense in proceeding against real estate dealer. It shall be no defense to a violation of this chapter by a real estate owner or operator, real estate broker, real estate salesman, a financial institution, or other person subject to the provisions of this chapter, that the violation was requested, sought, or otherwise procured by a person not subject to the provisions of this chapter. (Ord. # 1983-4)

12-508. Establishment of procedures for conciliation. (1) The city shall designate an agent(s) to investigate, make determinations of probable cause, and seek to conciliate apparent violations of this chapter. Conciliation efforts

may be initiated by any person(s) said to be subject to discrimination as defined in this chapter.

(2) The City of New Johnsonville shall establish a hearing committee which in turn shall adopt formal rules and procedures to hear complaints and make appropriate findings. Such procedures shall be made known to all parties given charge of discrimination. Hearings by the committee shall commence whenever the agent(s) acting on behalf of the city decides a conciliation failure has occurred and the respondent agrees to participate in the hearing committee proceedings. Hearing open to the public may be initiated by the responding party at any time during the conciliation process. (Ord. # 1983-4)

12-509. Findings of hearing committee; nature of affirmative action.

(1) If the hearing committee determines that the respondent has not engaged in an unlawful practice, the committee shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the city attorney, and such other public officials, officers, and persons as the committee deems proper.

(2) If the hearing committee determines that the respondent has engaged in an unlawful practice, it shall state its findings of fact and conclusions of law and shall negotiate such affirmative action as in its judgement will carry out the purposes of this chapter. A copy of the findings shall be delivered to the respondent, the complainant, the city attorney and such other public officials, officers, and persons as the committee deems proper.

(3) Affirmative action negotiated under this section may include, but not be limited to:

- (a) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.
- (b) Reporting as to the manner of compliance.
- (c) Posting notices in conspicuous places in the respondent's place of business in a form prescribed by the hearing committee.
- (d) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.
- (e) Payment to the complainant of damages for injury caused by an unlawful practice, including compensation for humiliation and embarrassment, and expenses incurred by the complainant as a direct result of such unlawful practices.

(4) The provisions for conciliation and affirmative action shall not preclude or in any way impair the enforcement provisions of this chapter. (Ord. # 1983-4)

12-510. Investigations, powers, records. (1) In connection with an investigation of a complaint filed under this chapter, the enforcing agent(s) at any reasonable time may request voluntary access to premises, records, and

documents relevant to the complaint and may request the right to examine, photograph, and copy evidence.

(2) Every person subject to this chapter shall make, keep, and preserve records relevant to the determination of whether unlawful practices have been or are being committed, such records being maintained and preserved in a manner and to the extent required under the Civil Rights Act of 1968 and any regulations promulgated thereunder.

(3) A person who believes that the application to him of a regulation or order issued under this section would result in undue hardship may apply to the hearing committee for an exemption from the application of the regulational order if the committee finds that the application of the regulation or order to the person in question would impose an undue hardship, it may grant appropriate relief. (Ord. # 1983-4)

12-511. Conspiracy to violate this chapter unlawful. It shall be an unlawful practice for a person or for two or more persons to conspire:

(1) To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter.

(2) To aid, abet, incite, compel, or coerce a person from complying with the provisions of this chapter or any order issued thereunder.

(3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder.

(4) To resist, prevent, impede, or interfere with the enforcing agent(s), hearing committee, or any of its members or representatives in the lawful performance of duty under this chapter. (Ord. # 1983-4)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Smoke, soot, cinders, etc.
- 13-102. Stagnant water.
- 13-103. Weeds and grass.
- 13-104. Dead animals.
- 13-105. Health and sanitation nuisances.

13-101. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1973 Code, sec. 8-405)

13-102. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1973 Code, sec. 8-406)

13-103. Weeds and grass. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property when the same shall be deemed to constitute a nuisance or public health danger, and upon such declaration by the city council, it shall be unlawful for any person to fail to comply with an order by the city clerk or chief of police to cut such vegetation when it has reached a height of ten (10) inches.

If the lot owner or tenant of such property shall fail or refuse to remove such nuisance or public health hazard upon notice and demand, then in

¹Municipal code references

Animal control: title 10.

Littering streets, etc.: section 16-207.

Wastewater treatment: title 18.

addition to the violation provided above the city may cut the grass of the offending property, charge the cost thereof to the lot owner or tenant, and in the event of failure to pay within 45 days of being billed for such expense, the city may charge the expense to the owner of such property as a special assessment in addition to the real property taxes assessed by the city for that calendar year. In the event of failure to pay as due in addition to penalty and interest, the city may declare the special assessment delinquent, and proceed to collect the same as provided by the law for a delinquent tax payer. (Ord. # 1982-2)

13-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the city recorder and dispose of such animal in such manner as the health officer shall direct. (1973 Code, sec. 8-408)

13-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1973 Code, sec. 8-409)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

13-201. Junkyards.¹ All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1973 Code, sec. 8-410)

¹State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

TITLE 14

PLANNING AND ZONING

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE OF NEW JOHNSONVILLE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership
- 14-102. Organization, rules, staff and finances.
- 14-103. Powers and duties.

14-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1973 Code, sec. 11-101)

14-102. Organization, rules, staff and finances. The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing body. (1973 Code, sec. 11-102)

14-103. Powers and duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then said commission shall have all the powers, duties, and responsibilities as set forth in Title 13 of the Tennessee Code Annotated. (1973 Code, sec. 11-103)

CHAPTER 2
ZONING ORDINANCE OF NEW JOHNSONVILLE¹
(RESERVED FOR FUTURE USE)

¹See the office of the town recorder for current zoning provisions.

TITLE 15

MOTOR VEHICLES AND TRAFFIC¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Authorized emergency vehicles defined.
- 15-103. Operation of authorized emergency vehicles.
- 15-104. Following emergency vehicles.
- 15-105. Running over fire hoses, etc.
- 15-106. Driving on streets closed for repairs, etc.
- 15-107. Reckless driving.
- 15-108. Driving under the influence.
- 15-109. One-way streets.
- 15-110. Unlaned streets.
- 15-111. Laned streets.
- 15-112. Yellow lines.
- 15-113. Miscellaneous traffic-control signs, etc.
- 15-114. General requirements for traffic-control signs, etc.
- 15-115. Unauthorized traffic-control signs, etc.
- 15-116. Presumption with respect to traffic-control signs, etc.
- 15-117. School safety patrols.
- 15-118. Driving through funerals or other processions.
- 15-119. Damaging pavements.
- 15-120. Clinging to vehicles in motion.
- 15-121. Riding on outside of vehicles
- 15-122. Backing vehicles.
- 15-123. Projections from the rear of vehicles.
- 15-124. Causing unnecessary noise.

¹For provisions relating to obstructing and/or excavating in public streets, alleys, sidewalks, and rights-of-way see title 16 in this code.

15-125. Vehicles and operators to be licensed.

15-126. Passing.

15-127. Bicycle riders, etc.

15-128. Failure to maintain control.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by chapter 9, title 59, of the Tennessee Code Annotated. (1973 Code, sec. 9-101)

15-102. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the governing body. (1973 Code, sec. 9-102)

15-103. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying an authorized red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1973 Code, sec. 9-103)

¹See section 15-401 in this code for provisions with respect to the operation of other vehicles upon the approach of emergency vehicles.

15-104. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1973 Code, sec. 9-104)

15-105. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1973 Code, sec. 9-105)

15-106. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1973 Code, sec. 9-106)

15-107. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1973 Code, sec. 9-107)

15-108. Driving under the influence. No person shall drive or operate any automobile or other motor driven vehicle while under the influence of an intoxicant, or while under the influence of narcotic drugs, or while under the influence of drugs producing stimulating effects on the central nervous system. (1973 Code, sec. 9-108)

15-109. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1973 Code, sec. 9-109)

15-110. Unlaned streets. (1) Upon all unlaned streets of sufficient width a vehicle shall be driven upon the right half of the street except:

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

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

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when

aking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1973 Code, sec. 9-110)

Laned streets.

unlawful for the operator of any vehicle to fail or refuse to keep his vehicle the boundaries of the proper lane for his direction of travel except when lawfully movement.

On be the right hand lane unless otherwise clearly marked. On streets with four or more lanes either of the right hand lanes shall be available for use except that right hand lane. On one-way streets either lane may be lawfully used in the

15-112. Yellow. On streets with a yellow line placed to the right of lane line or center line such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any of such yellow line except when necessary to make a lawful left turn from such

15-113. Miscellaneous. It shall be unlawful for pedestrian or the operator of any vehicle to violate or fail to comply with any or city unless otherwise directed by a police officer.

It willfully violate or fail to comply with the reasonable directions of any police

15-114. General. All signals, markings, and devices shall conform to the latest revision Manual on Uniform Traffic Control Devices for Streets and,¹ practicable, be uniform as to type and location throughout the city. This section not be construed as being mandatory but is merely directive. (1973 Code, sec. 9-114)

Unauthorized traffic-control signs, etc No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, marking, or device which purports to be or is an imitation of or resembles

¹ manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402.

an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1973 Code, sec. 9-115)

15-116. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (1973 Code, sec. 9-116)

15-117. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the 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. (1973 Code, sec. 9-117)

15-118. Driving through funerals or other processions. Except when otherwise directed by a police officer no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1973 Code, sec. 9-118)

15-119. Damaging pavements. No person shall operate upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1973 Code, sec. 9-119)

15-120. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1973 Code, sec. 9-120)

15-121. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties not to persons riding in the load-carrying space of trucks. (1973 Code, sec. 9-121)

15-122. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1973 Code, sec. 9-122)

15-123. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1973 Code, sec. 9-123)

15-124. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1973 Code, sec. 9-124)

15-125. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1973 Code, sec. 9-125)

15-126. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1973 Code, sec. 9-126)

15-127. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

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

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

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's commissioner of safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles of a type approved by the state's commissioner of safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1973 Code, sec. 9-127)

15-128. Failure. Every person operating a vehicle the streets within the corporate city limits, or upon any private road or driveway manner, having regard for the width, grade, curves, corners, traffic and use of streets and private areas and all other attendant circumstances, so as not to manner shall constitute failure to maintain control and a violation of the

CHAPTER 2

SECTION

15-201.

15-202. At intersections.

In school zones and near playgrounds.

15-204.

15-201. _____. It shall be unlawful for any person to operate or a motor vehicle upon any highway or street at a rate of speed in excess of forty other speed limits in which cases the posted speed limit shall apply. (1973

15-202. At _____. It shall be unlawful for any person to operate drive a motor vehicle through any intersection at a rate of speed in excess of fifteen by traffic control signals or signs which require traffic to stop or yield on the

15-203. In school zones and near playgrounds be unlawful for any miles per hour when passing a school during recess or while children are going or leaving school during its opening or closing hours. (1973 Code, sec. 9-203)

15-204. congested areas. operate or drive a motor vehicle through any congested area at a rate of speed proper authority. (1973 Code, sec. 9-204)

CHAPTER 3

TURNING MOVEMENTS

SECTION

15-301. Generally.

15-302. Right turns.

15-303. Left turns on two-way roadways.

15-304. Left turns on other than two-way roadways.

15-305. U-turns.

15-301. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1973 Code, sec. 9-301)

15-302. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1973 Code, sec. 9-302)

15-303. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of center lines and the two roadways. (1973 Code, sec. 9-303)

15-304. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1973 Code, sec. 9-304)

15-305. U-turns. U-turns are prohibited. (1973 Code, sec. 9-305)

¹See section 55-8-143, Tennessee Code Annotated.

CHAPTER 4

SECTION

15-401.

15-402. When emerging from alleys, etc.

To prevent obstructing an intersection.

15-404.

15-405. At "stop" signs.

At "yield" signs.

15-407.

15-408. At flashing traffic-control signals.

Stops to be signaled.

15-401. approach of authorized emergency vehicles.

immediate approach of an authorized emergency vehicle making use of audible
visual signals meeting the requirements of the laws of this state, or of
police

driver of every other vehicle shall immediately drive to a position parallel to,
and as close as possible to, the right hand edge or

any intersection and shall stop and remain in such position until the authorized
vehicle has passed, except when otherwise directed by a police
officer. (1973 Code, sec. 9-401)

When emerging from alleys, etc

emerging from alleys, parking lots, driveways, or buildings shall stop such
immediately prior to driving onto any sidewalk or street. They shall
not

without colliding or interfering with approaching pedestrians or vehicles. (1973

15-403. To. No driver shall enter any
ction or marked crosswalk unless there is sufficient space on the other

side

without obstructing the passage of traffic in or on the intersecting street or

This provision shall be effective notwithstanding any traffic-control
signal indication to proceed. (1973 Code, sec. 9-403)

At railroad crossings

Any driver of a vehicle approaching a
railroad

nearest rail of such railroad and shall not proceed further while any of the

- (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. (1973 Code, sec. 9-404)

15-405. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the 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. (1973 Code, sec. 9-405)

15-406. At "yield signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1973 Code, sec. 9-406)

15-407. At traffic-control signals generally. Traffic-control signals exhibiting the words "go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
 - (a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow alone, or "Caution":
 - (a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
 - (b) Pedestrians facing such signal shall not enter the roadway.
- (3) Steady red alone, or "Stop":
 - (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

- (b) Pedestrians
- (4) Steady red with green arrow:
 Vehicular traffic facing such signal may cautiously enter the only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk

(b) Pedestrians

(5) In the event an official traffic-control signal is erected and at a place other than an intersection, the provisions of this section shall
 no application. Any stop required shall be made at a sign or marking on the indicating where the stop shall be made, but in the absence of any such
 (1973 Code, sec. 9-407)

15-408. flashing traffic-control signals.
 flashing red or yellow signal is used in a traffic sign or signal placed or erected

(a) Flashing red (stop _____). When a red lens is illuminated with
 the nearest crosswalk at an intersection or at a limit line when marked, if none, then before entering the intersection, and the right to proceed shall

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

This section shall not apply at railroad grade crossings. Conduct drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in section 15-404 of this title. (1973 Code, sec. 9-408)

Stops to be signaled No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic without first signaling his intention in accordance with the requirements of the¹ except in an emergency. (1973 Code, sec. 9-409)

CHAPTER 5

PARKING

SECTION

- 15-501. Generally.
- 15-502. Angle parking.
- 15-503. Occupancy of more than one space.
- 15-504. Where prohibited.
- 15-505. Loading and unloading zones.
- 15-506. Presumption with respect to illegal parking.

15-501. Generally. 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 in the City of New Johnsonville 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. (1973 Code, sec. 9-501)

15-502. Angle parking. On those streets which have been signed or marked by the city for angle parking no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1973 Code, sec. 9-502)

15-503. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one 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. (1973 Code, sec. 9-503)

15-504. Where _____. No person shall park a vehicle in violation of

- (1) On a sidewalk.
In front of a public or private driveway.
- (3)
- (4) Within fifteen (15) feet of a fire hydrant.
Within a pedestrian crosswalk.
- (6)
- (7) Within

on the side of the street opposite the entrance to the fire hall within seventy-five

(8) Alongside
other traffic would be obstructed.

(9) the roadway side of any vehicle stopped or parked at the edge
or curb of a street.

Upon any bridge.

(11) any curb painted yellow or red by the city. (1973 Code,
sec. 9-504)

Loading and unloading zones No person shall park a vehicle for
any
unloading of passengers or merchandise in any place marked by the city as a

15-506. Presumption _____. When any
vehicle is found parked in violation of any provision of this chapter
there
is responsible for such illegal parking. (1973 Code, sec. 9-506)

CHAPTER 6

ENFORCEMENT

SECTION

- 15-601. Issuance of traffic citations.
- 15-602. Failure to obey citation.
- 15-603. Illegal parking.
- 15-604. Impoundment of vehicles.
- 15-605. Disposal of "abandoned motor vehicles."
- 15-606. Regulating traffic on private property.

15-601. Issuance of traffic citations. 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. (1973 Code, sec. 9-601)

15-602. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1973 Code, sec. 9-602)

15-603. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1973 Code, sec. 9-603)

15-604. Impoundment of vehicles. The chief of police is hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until a lawful disposition is otherwise made. The

fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1973 Code, sec. 9-604)

15-605. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles" as defined in section 55-16-103, Tennessee Code Annotated, shall be impounded and disposed of by the chief of police in accordance with the provisions of sections 55-16-103 through 55-16-109, Tennessee Code Annotated. (1973 Code, sec. 9-605)

15-606. Regulating traffic on private property. In accordance with the authority of section 55-8-101, of the Tennessee Code Annotated, law enforcement officers of the city shall be authorized to enter upon private parking lots and other private property for the purpose of enforcing the traffic regulations of the City of New Johnsonville and the State of Tennessee. (Ord. # 1988-6, as modified)

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. EXCAVATIONS AND CUTS.
2. MISCELLANEOUS.

CHAPTER 1

EXCAVATIONS AND CUTS²

SECTION

- 16-101. Permit required.
- 16-102. Applications.
- 16-103. Fee.
- 16-104. Deposit or bond.
- 16-105. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-106. Restoration of streets, etc.
- 16-107. Insurance.
- 16-108. Time limits.
- 16-109. Supervision.
- 16-110. Driveway curb cuts.

16-101. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practically be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city clerk is open for business and said permit shall be retroactive to the date when the work was begun. (1973 Code, sec. 12-101)

¹See title 15 in this code for related motor vehicle and traffic regulations.

²Sections 16-101 through 16-109 in this chapter were taken substantially from the ordinance upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 340 S.W. 2d 885.

16-102. Applications. Applications for such permits shall be made to the city clerk or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city clerk within twenty-four (24) hours of its filing. (1973 Code, sec. 12-102)

16-103. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1973 Code, sec. 12-103)

16-104. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city clerk a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city clerk may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the city clerk shall deem adequate to cover the cost to the municipality if the applicant fails to make proper restoration. (1973 Code, sec. 12-104)

16-105. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1973 Code, sec. 12-105)

16-106. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city clerk shall give notice to the person, firm, corporation, association, or others than unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1973 Code, sec. 12-106)

16-107. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1973 Code, sec. 12-107)

16-108. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city clerk. (1973 Code, sec. 12-108)

16-109. Supervision. The official designated by the governing body shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the municipality and see to the

enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work or refilling any such excavation or tunnel commences. (1973 Code, sec. 12-109)

16-110. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city clerk. 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. (1973 Code, sec. 12-110)

CHAPTER 2

MISCELLANEOUS

SECTION

- 16-201. Obstructing streets, alleys, or sidewalks, prohibited.
- 16-202. Trees projecting over streets, etc., regulated.
- 16-203. Trees, etc., obstructing view at intersections prohibited.
- 16-204. Projecting signs and awnings, etc., restricted.
- 16-205. Banners and signs across streets and alleys restricted.
- 16-206. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-207. Littering streets, alleys, or sidewalks prohibited.
- 16-208. Obstruction of drainage ditches.
- 16-209. Abutting occupants to keep sidewalks clean, etc.
- 16-210. Parades regulated.
- 16-211. Operation of trains at crossings regulated.
- 16-212. Animals and vehicles on sidewalks.
- 16-213. Fires in streets, etc.

16-201. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1973 Code, sec. 12-201)

16-202. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley, or sidewalk at a height of less than fourteen (14) feet. (1973 Code, sec. 12-202)

16-203. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1973 Code, sec. 12-203)

16-204. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. (1973 Code, sec. 12-204)

16-205. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body. (1973 Code, sec. 12-205)

16-206. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1973 Code, sec. 12-206)

16-207. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1973 Code, sec. 12-207)

16-208. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1973 Code, sec. 12-208)

16-209. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow or ice from the abutting sidewalk. (1973 Code, sec. 12-209)

16-210. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first 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. (1973 Code, sec. 12-210)

16-211. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1973 Code, sec. 12-211)

16-212. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such a manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalks. It shall also be unlawful for

any person to knowingly allow any minor under his control to violate this section. (1973 Code, sec. 12-212)

16-213. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1973 Code, sec. 12-213)

TITLE 17

REFUSE AND TRASH DISPOSAL

CHAPTER

1. REFUSE AND TRASH DISPOSAL.

CHAPTER 1

REFUSE AND TRASH DISPOSAL

SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Location of containers.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1973 Code, sec. 8-101)

17-102. Premises to be kept clean. All persons within the municipality 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. (1973 Code, sec. 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this municipality where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the municipality handles mechanically. Furthermore, except for containers which the municipality handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to

a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1973 Code, sec. 8-103)

17-104. Location of containers. Where alleys are used by the municipal 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 municipal 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 municipality 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. (1973 Code, sec. 8-104)

17-105. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb, or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1973 Code, sec. 8-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the governing body shall designate. Collections shall be made regularly in accordance with an announced schedule. (1973 Code, sec. 8-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1973 Code, sec. 8-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the governing body is expressly prohibited. (1973 Code, sec. 8-108)

TITLE 18

WATER AND SEWERS

CHAPTER

1. WATER AND SEWERS.
2. SEWER USE.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. USER CHARGE SYSTEM.

CHAPTER 1

WATER AND SEWERS

SECTION

- 18-101. Unlawful connections.
- 18-102. Application for permits.
- 18-103. Connections and meter settings.
- 18-104. Service lines.
- 18-105. Deposits, notices to discontinue service, etc.
- 18-106. Meters.
- 18-107. Meter reading and billing; delinquent bills.
- 18-108. Relocation of meters.
- 18-109. Consumers not to supply water to others.
- 18-110. Resumption of service after discontinuance for non-payment of bills, etc.
- 18-111. Turn-on.
- 18-112. Special service.
- 18-113. Cutoff and repairs.
- 18-114. Interruptions of service.
- 18-115. City not compelled to construct lines.
- 18-116. Materials and installations of sewer pipes.
- 18-117. Joints in pipe.
- 18-118. Garbage and refuse not to be thrown into sewers, etc.
- 18-119. Failure to comply with chapter.
- 18-120. Fluoridation of water supply.
- 18-121. Schedule of rates.
- 18-122. Installation requirements and conveyance to city.
- 18-123. Connection with the city system and execution of agreement.
- 18-124. Method of reimbursement of developer.
- 18-125. Areas served outside city.

18-101. Unlawful connections. It shall be unlawful for any person, firm or corporation to connect water or sewer lines with the city water or sewer

mains, sub-mains or laterals except in the manner hereinafter provided. (1973 Code, sec. 18-101)

18-102. Application for permits. Any person, firm or corporation desiring to connect with a city water or sewer main, submain or lateral shall first apply to the governing body of the City of New Johnsonville, Tennessee and fill out the proper application blank for such connection. Each application shall be accompanied by the fees as fixed in this chapter. All connections to city sewer and water lines shall be made under the supervision of the City of New Johnsonville, or by a contractor employed by the city. (1973 Code, sec. 18-102)

18-103. Connections and meter settings. All connections to the mains and all meter settings for use in the water connection shall be made by the city upon written application. The meter settings for the water connection shall be placed at suitable locations selected by the designated representative of the city. For such connections and meter settings the consumer or property owner at the time of making application therefor shall pay to the city the fees as set forth in this chapter. The materials used in the connection including the meter become the property of the city. (1973 Code, sec. 18-103)

18-104. Service lines. Service lines shall be installed by the consumer at the consumer's expense. All service lines shall be laid at least two (2) feet deep and not less than two (2) feet distant from an open area. No service lines shall be laid less than two (2) feet from any drain or another water service line or another sewer service line. (1983 Code, sec. 18-104)

18-105. Deposits, notices to discontinue service, etc. When the consumer desires to obtain a water tap initially or to have service reconnected upon a cessation of service for non-payment of bill he/she shall pay to the city together with the application for service connection or installation fee of \$25.00. Said amount is non-refundable and shall not be available as an offset to reduce the consumers monthly charge for water or sewerage services.

The consumer or property owner shall notify the city at the time each property becomes vacant. The consumer or property owner shall be responsible for any damage to the property of the city and for all water metered and for use of the sewerage system to such property up until receipt of such vacancy notice.

The city will presume service is being rendered from the time water is turned on at the request of the consumer until the consumer or property owner gives notice to discontinue the service and charges will be made accordingly. (Ord. # 1985-10)

18-106. Meters. At least one water meter shall be required for each dwelling, building, garage apartment, etc., regardless of its use, and the person designated as being responsible for payment of the charges, both water and

sewerage, shall be responsible to the city for all water consumed and also for the sewerage charges.

Meters and meter settings must be accessible at all times and not covered with rubbish or material of any kind. No one other than an authorized agent of the city shall be permitted to repair, adjust, remove or replace any meter or any part thereof.

The consumer shall be responsible for damage to meters and/or meter settings where such damage is caused by a change in grade of the lot or by carelessness or negligence of the consumer or his agent or employee or any member of his family. Such consumer will be billed for the actual cost of repair or replacement and such bill shall be paid within ten (10) days from the date of the mailing thereof. If such bill is not paid within ten (10) days the city may resort to the collection procedures provided in section 18-107. (1973 Code, sec. 18-106)

18-107. Meter reading and billing; delinquent bills. Meters will be read and the consumer billed jointly for the water and sewerage each month. All bills shall be payable at the city hall.

The city's meter reading agent or other properly authorized employee shall have access at all reasonable hours to the premises supplied with water, for the purpose of reading, inspecting, repairing or removing meters. When any consumer is delinquent for a period of one (1) month in the payment of his bill the city will shut off and discontinue service to the said consumer. (1973 Code, sec. 18-107)

18-108. Relocation of meters. If any meter is relocated on application of and to suit the convenience of the consumer or because of a change in the grade of the lot, such relocation and setting shall be made by the city at the expense of the consumer. The bill rendered to the consumer for the expense thereof shall be paid within ten (10) days from the date of mailing such bill and if not paid within ten (10) days the city may collect the bill as provided in section 18-107. (1973 Code, sec. 18-108)

18-109. Consumers not to supply water to others. Consumers shall not supply water or allow water to be carried or run through a hose or pipe to any premises other than that described in the application agreement or contract without first having received written permission from the city. (1973 Code, sec. 18-109)

18-110. Resumption of service after discontinuance for non-payment of bills, etc. If service has been discontinued for non-payment of bills or for any violation of this chapter, service to such consumer will not be resumed by the city until the unpaid bill, or bills have been paid in full and/or the violation of

any of the provisions of this chapter has ceased or been eliminated. (1973 Code, sec. 18-110)

18-111. Turn-on. Water shall not be turned into any water line for any purpose by anyone except an authorized employee of the city. Whenever water and/or sewer service has been discontinued for non-payment of any bill or because of a violation of any of the provisions of this chapter a charge of ten dollars (\$10.00) payable in advance shall be made to cover the cost of turning the water on again. In the event the meter has been pulled, then a charge of twenty-five dollars (\$25.00) shall be levied, payable in advance, prior to the reinstalling of the meter for the water user. (1973 Code, sec. 13-111, as amended by Ord. # 1981-8)

18-112. Special service. Persons, firms, or corporations desiring small amounts of water for a short time or service which will require the special attention of an employee of the city will be required to make a deposit, the amount of which will be fixed by the city clerk. For water used by such person a charge will be made at rates fixed by the city clerk in keeping with the service rendered. The deposit made shall be applied against such charge and the difference between the deposit and the charge shall be paid by the party owing the same. (1973 Code, sec. 18-112)

18-113. Cutoff and repairs. The city reserves the right to shut off the water in the mains at any time for the purpose of making repairs or extensions or for other necessary purposes. It will endeavor to give notice of such shutoff except in cases of accident or emergency. All owners and consumers having boilers on their premises are hereby cautioned against dangers arising from interrupted service. (1973 Code, sec. 18-113)

18-114. Interruptions of service. All contracts for furnishing water shall be made subject to interruptions or inability to fulfill the same for any and all causes whatsoever, and the city will not be liable for damages for any failure to furnish water. (1973 Code, sec. 13-114)

18-115. City not compelled to construct lines. The provisions of this chapter shall in no way be construed as requiring the city to construct water mains and sewer mains on streets, alleys or in private property where such mains are not already laid. (1973 Code, sec. 18-115)

18-116. Materials and installations of sewer pipes. All sewer pipes in yards, lot, etc., shall be of the best quality to insure water tight joints with the following restrictions. They shall not be laid closer than four (4) feet to any exterior wall, cellar, basement, well or cistern or less than one (1) foot six (6) inches below the surface, or when the sewer passes through a roadway or drive

then the pipes must be two (2) feet deep, and in all other cases the sewer beneath the ground must be of cast iron pipe. All sewer lines laid by property owners or their contractors must be inspected by a duly authorized representative of the city before the sewer line is covered. (1973 Code, sec. 18-116)

18-117. Joints in pipe. Joints in vitrified and concrete pipe shall be made with pure cement properly proportioned with clean sharp sand. In cast iron pipe, joints shall be made with pure lead, well caulked. Where orangeburg is used the proper connections shall be used as specified for each type of pipe to insure a water tight joint. In all cases where orangeburg is connected to iron, concrete or clay pipe only those connections shall be used as approved and recommended for this type connection. (1973 Code, sec. 18-117)

18-118. Garbage and refuse not to be thrown into sewers, etc. It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle connected with a sewer any garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, cotton, cinders or any other matter or thing whatsoever except feces, urin and the necessary paper and liquid house slops; and it is hereby made the duty of all citizens to aid the city in bringing offenders against this section to punishment and also to prevent breaches of the same. (1973 Code, sec. 18-118)

18-119. Failure to comply with chapter. Any person, firm, corporation or corporations violating any of the foregoing provisions of this chapter shall be guilty of a misdemeanor.

In addition to the fine as provided for in the general penalty clause for this code the city may refuse to furnish water to the premises of any applicant who fails to meet all the applicable conditions and terms of this chapter or it may discontinue service in the event the consumer violates or fails to comply with any of the provisions of this chapter. (1973 Code, sec. 18-119)

18-120. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the City of New Johnsonville, Tennessee; to submit such plans to the Department of Public Health of the State of Tennessee for approval and, upon approval, to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the public water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1973 Code, sec. 18-120)

18-121. Schedule of rates.¹ All water and sewer service shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.

18-122. Installation requirements and conveyance to city. Any person, persons, firm or corporation desiring to have water and/or sewerage service made available to a particular area or subdivision within the city limits, and to be served by the water and/or sewer systems of the City of New Johnsonville shall:

(1) Following publication by the owner(s) of the subject area or subdivision in a Waverly newspaper of due notice of intent, secure the approval of the city council for the installment, such approval, if granted, to be evidenced by a resolution passed on two (2) readings at meetings held at least fifteen (15) days apart, one (1) of which meetings shall be a regular meeting of the city council.

(2) At his own expense prepare detailed plans and specifications for the proposed distribution system and trunk lines necessary to connect to the distribution system of the city. The plans and specifications shall conform to the regulations of the city and shall provide ample sizes of water and sewer lines as may be necessary in the opinion of the city to properly serve the area or subdivision in question, and said plans and specifications shall have the written approval of the city, or its representative.

(3) At his expense, construct the distribution system and trunk lines in accordance with the specifications and in a good and workmanlike manner and furnish all materials, labor and services therefor.

(4) Furnish to the city a written statement, bearing the approval of the city engineer, that the distribution system and trunk lines have been installed according to the city's specifications.

(5) Furnish, to the city, evidence that all bills and charges for labor, materials and other services used in the construction have been paid.

(6) Make no tapping or connection charge to the city or any other person taking service from the system.

(7) Upon receipt of the written statement from the city engineer, provided for herein, transfer and convey the distribution system and/or trunk lines to the city by warranty deed or bill of sale properly acknowledged before a notary public free from all liens or charges of every kind. Such conveyance shall be accepted by the city only after entering into a written contract upon terms and conditions and for the consideration hereinafter provided. (Ord. # 1978-4)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

18-123. Connection with the city system and execution of agreement. Upon execution and delivery of the conveyance provided herein the city shall:

(1) Permit the distribution system and/or trunk lines to be connected to the city's water and/or sewerage system and furnish all water and/or sewerage service to each customer desiring to be serviced by said distribution system and/or trunk lines after the installation of a city owned water meter for each service.

(2) Charge for water and/or sewerage service at the rates being charged other customers in similar locations.

(3) Execute a written agreement with the owner of said water and/or sewer system to reimburse said owner for his actual construction costs as provided in section 18-124. Such agreement will be signed by the mayor on behalf of the city and by the owner, his representatives or assigns.

(4)(a) The basis to be used for computing the owner's cost shall be the actual costs of labor and materials dispersed in making the installation but no costs of service lines to customer premises or interest costs shall be included.

(b) The cost basis shall be comparable and in line with the usual average costs for similar installations.

(c) The mayor, or any committees of the city council, or any councilman, may require detailed proof of the cost basis submitted by the owner. (Ord. # 1978-4)

18-124. Method for reimbursement of developer. The method of reimbursement for the owner's investment in the distribution system and/or trunk lines shall be as follows:

(1) Beginning not more than one (1) year after the execution of the above agreement the city will pay to the owner of said system on a semi-annual basis sixty percent (60%) of the gross revenue received from customers connected to the water and/or sewerage system, said payment to continue for a period of ten years. Provided, however, in no case shall payments be made which exceed seventy-five percent (75%) of the total cost of said distribution system.

(2) Larger lines. After approval or tentative approval of the plans and specifications by the city, should it be to the interest of the city and should the city direct a water line larger than four (4) inches or a sewer line larger than eight (8) inches be installed in a trunk line or distribution system the city will pay the owner the difference in cost between a four (4) inch water line or an eight (8) inch sewer line and lines of larger sizes. However, if the project itself in accordance with the plans and specifications required larger lines to properly serve the area or subdivision in question, then the city will not pay the owner the difference in cost and the same shall be treated on the same basis as hereinabove stated in section 18-123. If this section is applicable the owner shall be entitled to this difference in cost on a one hundred percent (100%) basis

which shall be noted in the contract between the city and the owner. Payment for this difference shall be separate and apart from the other reimbursement provisions of the contract. The payment of this difference shall be made by the city to the owner within twelve (12) months after installation is completed and is not to bear interest. The provisions of this paragraph as aforesaid shall not apply in any case where the area or subdivision in question is of such size as to require for its own service water lines larger than four (4) inches and sewer lines larger than eight (8) inches.

(3) Small lines. No reimbursement shall be made for lines smaller than four (4) inches in any distribution system unless such lines have been approved by the city engineer prior to their installation. (Ord. # 1978-4)

18-125. Areas served outside city. The city shall be under no obligation to enter into any contracts with or without reimbursement for any water or sewerage systems outside the city limits but it shall have the right, if approved by the council, to enter into any special contract for outside city services. (Ord. # 1978-4)

CHAPTER 2

SEWER USE

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Prohibitions on wastewater discharges.
- 18-206. Limitation of wastewater discharges.
- 18-207. Control of prohibited wastes.
- 18-208. Wastewater sampling and analysis.
- 18-209. Industrial self-monitoring requirements.
- 18-210. Protection from damage.
- 18-211. Enforcement procedures.
- 18-212. Permits.
- 18-213. User charge.
- 18-214. Sewer rate schedule.
- 18-215. Industrial waste surcharge.

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

(1) "Act or the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) "Approval authority." The Director of the Division of Water Pollution Control, Tennessee Department of Health and Environment, or the Administrator of the Environmental Protection Agency.

(3) "Approving authority." The city council of New Johnsonville or any authorized representative designated by the mayor.

(4) "Authorized representative of industrial user." An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) 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" of sewage of 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 drain." The part of the lower horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(7) "Categorical standards." The National Pretreatment Standards.

(8) "City." The City of New Johnsonville, Tennessee, the mayor, the city council, the city recorder, the wastewater treatment plant superintendent, or their duly authorized representative.

(9) "Combined sewer." A sewer receiving both surface runoff and sewage.

(10) "Compatible waste." The biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria; plus any additional pollutant identified in a publicly owned treatment works NPDES permit, for which the publicly owner treatment works is designed to treat such pollutants, and, in fact, does remove such pollutants to a substantial degree.

(11) "Control authority." The "approval authority," defined hereinabove, or the superintendent if the city has an approved pretreatment program under the provision of 40 CFR 403.11.

(12) "Conventional pollutants." Those pollutants normally found.

(13) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutants added to the water is heat.

(14) "C" Centigrade degrees.

(15) "Customer." Any individual, firm, company, association, society, corporation, or group who are the beneficiaries of the water and sewerage services or who are utilizing the water and/or sewerage system of the City of New Johnsonville.

(16) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State.

(17) "EPA" The United States Environmental Protection Agency.

(18) "Garbage." Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(19) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(20) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(21) "Incompatible waste." All pollutants other than compatible waste as defined within.

(22) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste

discharged into the system) for treatment before direct discharge to the waters of the state.

(23) "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.

(24) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or operation of the sewage treatment plant.

(25) "Industrial wastewater" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(26) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the POTW.

(27) "May" is permission; "shall" is mandatory.

(28) "Meter measurement" The act of or result of determining the quantity of water supplied to a customer by an instrument or device used for such purpose and approved by the approving authority.

(29) "Mg/l" Milligrams per liter.

(30) "Monitoring." Any method of sampling and analyzing of industrial waste, discharged into the sanitary sewer by industrial users, employed by the city to enforce industrial pretreatment regulations.

(31) "National pretreatment standards or pretreatment standards." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to the industrial users.

(32) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(33) "New source." Any source whose construction is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard that will be applicable to such source, if such standard is thereafter published within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any whose construction is commenced after the date of promulgation of the standard.

(34) "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).

(35) "Pass through." Any pollutant that enters the sewage works and is not totally removed before entering the receiving stream.

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

(37) "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.

(38) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

(39) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(40) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

(41) "Priority pollutants." Any of the one hundred twenty-nine (129) pollutants that affect stream quality or stream life in the receiving stream and its subsequent waters.

(42) "Properly shredded garbage." The wastes from the preparation of cooking and dispensing of food which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(43) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(44) "Publicly owned treatment works" or "POTW" shall mean a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of New Johnsonville. This definition includes any sewer that conveys wastewater to such treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city, who are, by contract or agreement with the city users of the city's POTW.

(45) "Receiving stream." The natural stream or watercourse that accepts the discharge from the Sewage Treatment Plant.

(46) "Sanitary sewer." A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(47) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(48) "Sewer." A pipe or conduit that carries wastewater or drainage water.

(49) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated and maintained by the City of New Johnsonville for sewage disposal purposes.

(50) "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flow during normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(51) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(52) "Standard methods." "Standards Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.

(53) "State." The State of Tennessee.

(54) "Stormwater." Any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

(55) "Superintendent." The person designated by the mayor to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(56) "Suspended solids." Solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids 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.

(57) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator or the Environmental Protection Agency under the provision of 33 USC 1317.

(58) "Treatment works." Any device and systems used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of a liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances; extension, improvements, remodeling, additions and alterations thereof;

elements essential to provide reliable recycle supply such as stand-by treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment; including combined stormwater and sanitary sewer systems.

(59) "Unpolluted water." Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(60) "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several effluent portions collected during a 24-hour period in which the portions of a sample are proportional to the flow and combine to form a representative sample.

(61) "User." Any person discharging wastes to the City of New Johnsonville Sewerage Facilities.

(62) "Waste." Shall include 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 or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(63) "Wastewater." Domestic sewage and industrial wastewater discharged to the City of New Johnsonville Sewerage Facilities together with any groundwater, surface water, and stormwater that may be present.

Terms not otherwise described herein shall be as adopted in the latest edition of Standard Methods or other appropriate Federal Guidelines and Regulations.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutants Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	Total Suspended Solids
USC	United States Code

(Ord. # 1988-4)

18-202. Use of public sewers required. (1) Unlawful to deposit unsanitary matter. 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 New Johnsonville or in any area under the jurisdiction of said city, and human or animal excrement, garbage, or other objectionable waste.

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

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

(4) Suitable toilet facilities to be installed. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

(5) Connection to city sewer required. Any person within the jurisdiction of the city council of New Johnsonville shall be required to connect to the city's sanitary sewer, except in specific cases where the approving authority may determine that service to a potential individual user is unduly difficult or expensive and that alternative measures will not be hazardous to public health.

(6) Connections may be made only by authorized agents. Direct service connections made to the city's sanitary sewer system shall be made only by duly authorized and approved agents of the city.

(7) Trucks not to deposit into POTW. No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received an appropriate permit or written approval from the wastewater superintendent or his designated representative. All applicants for a permit shall complete such forms as required by the superintendent, pay appropriate fees, and agree in writing to abide by the provision of this chapter and any special conditions or regulations established by the superintendent. Such permits shall be valid for a period of one (1) year from the date of issuance provided that such permit shall be subject to revocation by the superintendent

for violation of any provision of this chapter or reasonable regulation established by the Superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The Superintendent shall designate the locations and times where such 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 of a Permit shall provide 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. The owner of the permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(8) Permit required for holding tank discharge. 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 characteristics 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 domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. # 1988-4)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the available 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 sanitary sewage system is not available. (Ord. # 1988-4)

18-204. Building sewers and connections. (1) Permit required. 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 approving 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 approving authority.

(2) Permit classification. There shall be two (2) classes of building permits:

- (a) For residential and commercial service, or service, and
- (b) For service to establishments producing industrial wastes.

In either case the owner or his agent shall make application on a special

form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential, commercial or industrial building sewer permit shall be paid to the city at the time the application is filed.

(3) Cost to be paid by owner. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) Must have separate permit. A separate and independent building sewer shall be provided for every building. 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) Other requirements. The size, slope, depth, alignment, materials of construction, of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the specifications 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) Placement of building sewer. 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) Connection to surface run-off prohibited. 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, unless such connection is approved by the approving authority for purpose of disposal of polluted surface drainage.

(8) Building sewer to conform to other regulations. The connection of the building sewer into the public sewer shall conform to the specifications or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9.

(9) Connections gastight and watertight. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(10) Must notify when ready for inspection. The applicant for the building, sewer permit shall notify the approving 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 approving authority.

(11) Excavations to be guarded. 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 which shall be restored in a manner satisfactory to the city.

(12) Grease trap required. All cafes, restaurants, hotels, or food preparation establishments, shall install a grease trap on the kitchen waste line. 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 cleaned periodically by the owner or operator of the facility. Failure to make periodic cleanings which results in a stoppage of the city sewer system shall constitute a misdemeanor. If the city employees are required to clean out the city sewer lines as a result of a stoppage due to a clogged grease trap, the property owner or operator shall be further required to pay the costs of the city labor and materials required to clean out the sewer lines. All existing cafes, restaurants, hotels, or food preparation establishments shall be required to construct a grease trap within 90 days after notification by the city, at the owner's expense. If and when the approving authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the city sewer system. The city shall retain the right to inspect and approve installation of the grease trap facility.

(13) Cut permit, adjacent areas, etc. Any work done in the street right-of-way will be covered by city street cut permit. Sewer service shall be provided to adjacent unincorporated areas at the discretion of the city council of New Johnsonville officials. (Ord. # 1988-4)

18-205. Prohibitions on wastewater discharges. No person shall discharge or cause to allow to be discharged into the City of New Johnsonville sewerage facilities or any connected treatment facilities any waste which contains any of the following:

(1) Oils and Grease - 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 56 degrees C) at the point of discharge into the system.

(2) Abnormal industrial wastes - Any industrial waste having a biochemical oxygen demand (BOD), suspended solids (SS), or grease content in the excess of that normally found in municipal sewage. For the purposes of this chapter, any waste containing more than 300 mg/l of BOD, and/or having a SS content in excess of 300 mg/l, and/or a grease content in excess of 100 mg/l, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

(3) Explosive mixtures - Liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient to cause fire or explosion or be injurious in any other way to the sewerage facilities 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 10 percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(4) Noxious material - 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.

(5) Improperly shredded garbage - Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(6) Corrosive wastes - Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of (6) to (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.

(7) Thermal discharge - Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees centigrade (104°F). Unless a high temperature is allowed in the users wastewater discharge permit, no user shall discharge in any sewer line or other appurtenance of the POTW, wastewater with a temperature exceeding 65.5°C (150°F). (Ord. # 1988-4)

18-206. Limitation on wastewater discharges. (1) It is prohibited to discharge or convey to the public sewer any wastewater containing pollutants of such character or quantity that will:

(a) Not be amenable to treatment or will interfere with the sewage plant operations and/or disposal or use of municipal sludge.

(b) Constitute a hazard to human or animal life as a result of the pollutant passing through the plant to the atmosphere, or to the stream or water course receiving the treatment plant effluent.

(c) Violate the federal pretreatment standards.

(d) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Health and Environment Permit, or other applicable receiving water standards.

(2) If the wastewater influent to the treatment plant contains pollutants in excess of the following concentrations, or if the wastes produced create adverse effects, interfere with any wastewater treatment or collection processes, create any hazard in receiving waters or results in the city being in

violation of applicable effluent standards, the city council shall establish industrial wastewater effluent limits as deemed necessary. Furthermore, the city council shall have the authority to add to the list any pollutant as deemed necessary.

Parameter	Maximum Concentration mg/1 (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/1) Grab Sample
Arsenic (As)	0.1	0.2
Cadmium (Cd)	0.01	0.02
Chromium-Total (Cr)	3.0	6.0
Chromium (Hexavalent)	1.0	1.5
Cooper (Cu)	1.0	2.0
Cyanide (CN)	0.05	0.1
Iron (Fe)	5.0	10.0
Lead (Pb)	0.10	0.2
Mercury (Hg)	0.05	0.1
Nickel (Ni)	1.0	2.0
Phenols	10.0	20.0
Zinc (Zn)	2.0	4.0
Methylene Chloride	*	
Trichloroethylene	*	
Total Kjeldahl		
Nitrogen (TKN)	45.0	90.0
Oil & Grease	25.0	50.0
BOD	**	
Suspended Solids	**	
Temperature		104°F (40°C)
Settable Solids		
Dissolved Oxygen		
Flow rates		

* Awaiting Water Quality Standards from Tennessee Dept. of Health and Environment, Division of Water Quality Control.

** Not to exceed the design capacity of the POTW. (Ord. # 1988-4)

18-207. Control of prohibited wastes. (1) Regulatory actions. If wastewaters containing any substance in excess concentrations as described in this chapter are discharged or proposed to be discharged into the sewer system of the City of New Johnsonville 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 city.
 - (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.
 - (d) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.
- (2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City of New Johnsonville, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the approving authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, 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 approving authority.
- (3) Pretreatment facilities operation. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.
- (4) Reporting of accidental discharges. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the approving authority so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the approving 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 five (5) days of the occurrence of the accidental discharge.
- (5) Rights reserved. The city reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 18-201.
- (6) Increase in use of process water prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state. (Ord. # 1988-4)

18-208. Wastewater sampling and analysis. (1) Analysis of industrial wastewater. All of the preceding standards in sections 18-205 and 18-206 are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth 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 city council and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the approving authority.

(2) Control manhole. When required by the approving authority, the owner 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, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the approving authority. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. # 1988-4)

18-209. Industrial self-monitoring requirements. In order to effectively administer and enforce the provisions of these regulations, the approving authority may ask any discharger to comply with any or all of the following requirements.

(1) Discharge reports. The approving authority may require discharge reports, including but not limited to, questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge. These discharge reports must be retained by the industry and be available to either the city, state or federal agencies upon request.

(2) Monitoring programs. The approving authority may require of users such technical or monitoring programs, including submission of periodic reports, at a minimum of two times a year more frequent if the situation warrants. The discharger shall pay all applicable charges for the monitoring program, in addition to the sewage disposal and other charges established by the City of New Johnsonville.

The monitoring program shall require the discharges to conduct a sampling and analysis program of a frequency and type specified by the

approving authority to demonstrate compliance with prescribed wastewater discharge limits. The discharger, may either:

- (a) Conduct his own sampling and analysis program provided he demonstrates to the approving authority that he has the necessary qualifications and facilities to perform the work; or
- (b) Engage a private laboratory, approved by the approving authority.

Should an industry be found in violation of the discharge limits, the approving authority has the right to set up sampling and/or metering devices on the industry's property. If an analysis by the approving authority confirms a violation of the discharge permit, the industry shall be financially responsible and shall pay all damages including sampling and analytical costs.

(3) Trade secrets. When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report, or other document, shall be available for use by the city or the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. (Ord. # 1988-4)

18-210. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a party of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. # 1988-4)

18-211. Enforcement procedures. (1) Notification of violation - Any person found to be violating any provision of this chapter except section 18-210 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Penalties. Any person who shall continue any violation beyond the time limit provided for in section 18-211(1) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The city reserves the legal authority to disconnect the sewer service of any habitual violator of this chapter when such action appears reasonably necessary.

(3) Liability. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage experiences by the city by reason of such violation.

(4) Injunctive relief. In addition to the penalties provided in the foregoing section, wherever a person violates any provision of this chapter or fails to comply with any order of the city, the city, acting through the mayor, may apply to the court of the county for the issuance of an injunction restraining the person violating the chapter or failing to comply with the order, from making any further discharges into the sewerage facilities under the jurisdiction of the City of New Johnsonville. (Ord. # 1988-4)

18-212. Permits. (1) All industrial users proposing to connect to or discharge into the sanitary sewer system must obtain a Wastewater Discharge Permit from the city council 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 90 days after notice from the city.

(2) All person within the city's area of jurisdiction, who intend to provide septic tanks for sewage disposal, shall make written request to the city council for a septic tank permit. Upon receipt of the written request, the approving authority shall determine whether the applicant is unable to connect to the city's system; if so, the permit may be granted, conditioned upon approval by the Tennessee Department of Health and Environment and proper installation. The city shall retain the right to inspect and approve installation of the septic tank.

(3) Permit application: Industrial users seeking a Wastewater Discharge Permit shall complete and file with the city council an application in the form prescribed by the city council, 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 18-205 as determined by a laboratory approved by the approving 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 process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each produce produced by type, amount and rate of production;

- (i) Number and type of employees, and hours of work;
- (j) All Tennessee Department of Health and Environment and Environmental Protection Agency permits required; and
- (k) Any other information as may be deemed by the approving authority to be necessary to evaluate the permit application.

The city council will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city council may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(4) Permit conditions: Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the 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 may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer;
- (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;
- (e) Pretreatment requirements;
- (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 city council and, affording the city access thereto; and
- (i) Other conditions as deemed appropriate by the city council to insure compliance with this chapter.

(5) Duration of permits: 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. If the user is not notified by the superintendent 60 days prior to expiration of the permit, the permit, shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the superintendent 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) Transfer of a permit: Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation.

(7) Revocation of permit: Any user who violates the following conditions of the permit or of this chapter, or applicable state and federal regulations shall be subject to having his permit revoked:

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

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

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

(d) Violation of conditions of the permit. (Ord. # 1988-4)

18-213. User charge. (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 public sewage facilities.

(2) The user charge shall reflect the costs of operation and maintenance (including replacement) of the public sewerage facilities.

(3) Each user shall pay its proportionate share of operation and maintenance (including replacement) costs based on volume of flow.

(4) The city council of the sewerage facilities 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 sewerage facilities, and the user charge system. The approving 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.

(b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage facilities.

(5) All flow to the sewerage facilities not directly attributable to the users (i.e. infiltration/inflow) shall be distributed among all user of the sewerage facilities 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 sewerage facilities. (Ord. # 1988-4)

18-214. Sewer rate schedule. The following sewer rate schedule shall apply to each user of the sewerage facilities. This schedule includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

SEWER RATE SCHEDULE

<u>Consumption</u>	<u>Rate Per Thousand Gallons</u>
First 2,000 Gallons	\$4.00 (Minimum)
Next 3,000 Gallons	\$1.15/1,000 Gallons
Next 15,000 Gallons	\$0.60/1,000 Gallons
Over 20,000 Gallons	\$0.50/1,000 Gallons

(Ord. # 1988-4)

18-215. Industrial waste surcharge. In the event the city council waives a user from the requirements of section 18-205 and the user discharges abnormal industrial wastes to the sewerage facilities having an average Biochemical Oxygen Demand (BOD) content in excess of 300 mg/l, and/or an average Suspended Solids (SS) content in excess of 100 mg/l, the user shall pay a surcharge based upon the excess strength of their wastes. (Ord. # 1988-4)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspections required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

18-301. Definitions. 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 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 arrangement whereby the public water supply is connected, directly or indirectly, with any other water supply system, whether sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." 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.

¹Municipal code reference

Plumbing and related codes: 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. (Ord. # 1981-9, modified)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, sections 68-13-701 and 68-13-719 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, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. # 1981-9, modified)

18-303. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection 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, bypass or interconnection is at all times under the direct supervision of the Superintendent of Public Works of the New Johnsonville Water Supply. (Ord. # 1981-9, modified)

18-304. Statement required. 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 Public Works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. # 1981-9, modified)

18-305. Inspections required. It shall be the duty of the Superintendent of Public Works to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Superintendent of Public Works of the New Johnsonville Public Water Supply and as approved by the Tennessee Department of Health and Environment. (Ord. # 1981-9, modified)

18-306. Right of entry for inspections. The Superintendent of Public Works or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross

connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. # 1981-9, modified)

18-307. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of Public Works of the New Johnsonville Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, section 68-13-711, within a reasonable time and within the time limits set by the New Johnsonville Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. # 1981-9, modified)

18-308. Use of protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (a) impractical to provide an effective air-gap separation, (b) that the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge, 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, (c) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing, (d) there is a likelihood that protective measures may be subverted, altered, or disconnected, the Superintendent of Public Works 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 premises 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 Public Works 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.

Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Superintendent of Public Works 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 it is found that only one unit has been installed and the continuance of service is critical, the Superintendent of Public Works 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 supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the Superintendent of Public Works.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the New Johnsonville Public Water Supply. (Ord. # 1981-9, modified)

18-309. Unpotable water to be labeled. In order that the potable water supply made available to premises 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

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. # 1981-9, modified)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (Ord. # 1981-9, modified)

CHAPTER 4

USER CHARGE SYSTEM

SECTION

- 18-401. Annual review and notification.
- 18-402. Charges for operation and maintenance.
- 18-403. Classification of users.
- 18-404. Determination of costs.
- 18-405. Surcharge fees.
- 18-406. Use of revenue from wastewater facilities.
- 18-407. Charges and fees.

18-401. Annual review and notification. The city will review annually the wastewater contribution of users, user classes, the total cost of operation and maintenance of the treatment works and collection system, and its approved user charge system. As necessary, the city will revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes.
- (2) Generate sufficient revenue to pay operation and maintenance costs necessary for the proper operation of the collection system and the treatment works.
- (3) Apply excess revenues collected, if any, from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

As necessary and as applicable, each user will be notified annually in conjunction with a regular bill of the rate and that portion of the user charge that is attributable to wastewater collection system and treatment services. (Ord. # 1990-11)

18-402. Charges for operation and maintenance. The cost of operation and maintenance for all flows, such as extraneous flows, infiltration/inflow (I/I) or unmetered water, user or users shall be distributed among all users based on the flow volume of the user. Flow volume of the user shall be determined by water meter records of usage unless the user elects to install at its own expense a sewer flow meter. The flow meter shall meet the city's approval prior to installation of the meter. Maintenance of such meter shall be the sole responsibility of the user. (Ord. # 1990-11)

18-403. Classification of users. Users of the city's wastewater system shall be classified into two general classes or categories depending on the user contribution of wastewater loads, each class being identified as follows:

(1) Class I: Those users whose average biochemical oxygen demand (B.O.D.) is two hundred milligrams per liter (200 mg/l) by weight or less, and whose suspended solids (S.S.) is two hundred milligrams per liter concentration (200 mg/l) by weight or less.

(2) Class II: Those users whose average biochemical oxygen demand exceed two hundred milligrams per liter concentration (200 mg/l) by weight and whose suspended solids, exceeds two hundred milligrams per liter concentration (200 mg/l) by weight. (Ord. # 1990-11)

18-404. Determination of costs. The city commission shall from time to time, establish monthly rates and charges for the use of wastewater system. Said charges shall be based on the categories of administration costs, including billing and accounting costs, operation and maintenance costs, replacement or rehabilitation costs, and debt service costs of the wastewater collection and treatment facilities.

(1) All users who fall under Class I shall pay a unit charge expressed as dollars per 1000 gallons of water purchased (\$/1000 gal.) and a charge in proportion to the size of water meter serving the user, with the unit charge being determined in accordance, with the following formula:

$$Cu = \frac{Rt - Rm}{Vt - Vm}$$

Where:

Cu = Unit cost for Class I users in dollars per 1000 gallons.

Rt = Total revenue required for total operation and maintenance, debt services, etc., determined by yearly budget projections.

Rm = Revenue from all sizes of water meters for usage of 2000 gallons per month and minimum bills for usage of 2000 gallons or less per month expressed in dollars per year.

Vt = Total volume of wastewater used from all users expressed in cubic feet per year.

Vm = Volume of wastewater from-users of 2000 gallons per month and from users of less than 2000 gallons per month.

(2) The rates as set forth above are recorded in chapter 8 of the New Johnsonville Municipal Code as amended.

(3) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased and those meter

charges in proportion to meter size as for the Class I users; and in addition, shall pay a surcharge rate but not limited to the excessive amounts, of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(4) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the mayor and city council if a user purchases a significant volume of water for a consumption use and does not discharge it to the public sewers (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.) The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(5) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in section 18-403(1) above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where:

C_u = Total user charge per unit of time.

V_c = Total cost for transportation and treatment of a unit of wastewater volume.

V_u = Volume contribution per unit of time.

B_c = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

B_u = Total BOD contribution for a user per unit of time.

S_c = Total cost of treatment of a unit of suspended solids.

S_u = Total suspended solids contribution from a user per unit of time. (Ord. # 1990-11)

18-405. Surcharge fees. If it is determined by the mayor and city council or his designee that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharge of such parameters in proportion to the amount of discharge. (Ord. # 1990-11)

18-406. Use of revenue from wastewater facilities. Any revenue, derived from the sale of by-products of the treatment process lease or sale of crops grown on land purchased or owned, used by and for the wastewater facilities, shall be used to offset the costs of operation and maintenance. These revenues shall be applied proportionately to all user charges. (Ord. # 1990-11)

18-407. Charges and fees. (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the City of New Johnsonville, Tennessee, which will enable it to comply with the revenue requirements of Section 204 of the Clean Water Act. Charges and fees shall be in a manner consistent with regulations of the Federal Grant Program to ensure that sufficient revenues are collected to defray the cost of operating and maintaining, including replacement, adequate wastewater collection and treatment systems. Specific charges and fees shall be adopted by a separate ordinance, this section describes the procedure to be used in calculating the charges and fees. Additional charges and fees to recover funds for capital outlay, bond service costs, and capital improvements may be assessed by the City of New Johnsonville, Tennessee. These charges and fees shall be recovered through the user classification established below.

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

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

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

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

BOD ₅	200 milligrams per liter
COD	400 milligrams per liter
TKN	60 milligrams per liter
NH ₃ -N	30 milligrams per liter
Suspended Solids	200 milligrams per liter
Fats, Oil & Grease	100 milligrams per liter

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

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

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

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

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

$$C_u = \frac{C_t \times (V_u)}{V_t}$$

Where:

C_u	=	User's charge for O&M per unit of time.
C_t	=	Total O&M cost per unit of time.
V_t	=	Total volume contribution from all users per unit of time.
V_u	=	Volume contribution from a user per unit of time.

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

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

$$C_u = [(B_c \times B) + (S_c \times S) + (P_u \times P)]V_u$$

Where:

Cs	=	Surcharge for wastewaters exceeding the strength or "normal wastewater" expressed in dollars per billing period.
Bc	=	O&M cost for treatment of a unit of BOD ₅ from a user above the based level of 1.67 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
SC	=	O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.
S	=	Concentration of suspended solids from a user above the base level of 1.67 lbs/1,000 gallons expressed in pounds per 1,000 gallons.
Pu	=	O&M cost for treatment of a unit of any pollutant which the publicly-owned treatment work is committed to treat by virtue of an NPDES permit, or other regulatory requirement expressed in dollars per pound.
P	=	Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the mayor.
Vu	=	Volume contribution of a user per billing period (expressed in thousands of gallons).

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

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

(9) Biennial review of operation and maintenance charges. The City of New Johnsonville, Tennessee shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works and its approved user charge system. The city shall review the charges for users or user classes to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. (Ord. # 1990-11)

TITLE 19

ELECTRICITY AND GAS¹

(RESERVED FOR FUTURE USE)

¹Gas service is provided by the County of Humphreys.

TITLE 20

MISCELLANEOUS

(RESERVED FOR FUTURE USE)

ORDINANCE 1992-3

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF NEW JOHNSONVILLE, TENNESSEE.

WHEREAS some of the ordinances of the City of New Johnsonville are obsolete, and

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

WHEREAS the City Council of the City of New Johnsonville, 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 "New Johnsonville Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW JOHNSONVILLE, TENNESSEE, THAT:

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

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

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

specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

Section 5. Penalty clause. Unless otherwise specified, 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 Tennessee Code Annotated, section 40-24-101 et seq.

Section 6. Code as evidence. 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.

Section 7. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 8. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The city council, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.


Section 9. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 10. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 11. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, JUNE 1, 1992.

Passed 2nd reading, JULY 6, 1992.



Mayor



Clerk