THE

PARSONS

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

June 2000

Change 3, September 20, 2016

CITY OF PARSONS, TENNESSEE

MAYOR

Tim David Boaz

COUNCILMEN

Kevin Cagle

Marty Carrington

Mark A. Davis

Joseph Fisher

Bobby Rainey

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RECORDER

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PREFACE

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

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

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

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

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

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

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

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 Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

. . . Ordinances and resolutions shall be in written form before being introduced, and a copy shall be furnished to each member of the 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 Parsons." No action shall be valid or binding unless approved by the affirmative vote of at least four (4) members of the Council. Any ordinance which repeals or amends existing ordinances shall set forth at length the section or subsections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two (2) readings not less than one (1) week apart, at least one (1) of which must be a regular meeting, unless one (1) such meeting is held after a public notice is given at least four (4) days in advance of a special meeting for action thereon stating the substance of such ordinance in the official city newspaper, in which event action at a regular meeting may be dispensed with. Ordinances, except an emergency ordinance, shall become effective five (5) days after final approval by the Council, unless its terms provide a later date; provided, however, if the mayor waives his right to veto said ordinance as provided in Section 8 hereof said ordinance shall become effective immediately. 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. . . . (Charter § 12(a)

TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER
1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. ETHICS POLICY.

CHAPTER 1

CITY COUNCIL[2]

SECTION
1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Term of office and compensation of council members.

1-101. Time and place of regular meetings. (1) The regular monthly meetings for the months of February, March, April, May, June, August, October, November, and December shall be held on the first Monday of the month at 6:00 P.M. Prevailing Central Time.

(2) The regular monthly meeting for the month of September shall be held on the second Monday of the month at 6:00 P.M. Prevailing Central Time.

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

Municipal code references
Building, plumbing, electrical and gas inspectors: title 12.
Fire department: title 7.
Utilities: titles 18 and 19.
Wastewater treatment: title 18.
Zoning: title 14.

[2]Charter references
Composition, compensation, expenses, etc.: § 6.
Election: § 5.
Vacancies in office: § 9.

(3) The regular monthly meeting for January shall be held on the first Monday of January, except when the first Monday is New Years Day (January 1), in which case the regular monthly meeting shall be held on the second Monday of January. Each January meeting shall be held at 6:00 P.M. Prevailing Central Time.

(4) The regular monthly meeting for July shall be held on the first Monday of July except when the first Monday is Independence Day (July 4), in which case the regular monthly meeting shall be held on the second Monday of July. Each July meeting shall be held at 6:00 P. M. Prevailing Central Time.

(5) All meetings of the Council of the City of Parsons shall be held at the meeting room of the Parsons Municipal Building located at 535 Tennessee Avenue South, Parsons, Tennessee. (1970 Code, § 1-101, as replaced by Ord. #307, June 2009)

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

(1) Call to order by the mayor.
(2) Roll call by the recorder.
(3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
(4) Grievances from citizens.
(5) Communications from the mayor.
(6) Reports from committees, councilmen, and other officers.
(7) Old business.
(8) New business.
(9) Adjournment. (1970 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 1990 (9th) Edition, shall govern the transaction of business by and before the city council 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. (1970 Code, § 1-103, modified)

1-104. Term of office and compensation of council members. The council members elect for 1998, and for each term thereafter shall hold office and be elected for a term of four years beginning at 12:01 P.M. on the first Monday of July, next following their election. Each council member shall receive the sum of one hundred dollars ($100.00) per month. (Ord. #135, ____ 1998)

CHAPTER 2

MAYOR[1]

SECTION

1-201. Generally supervises city's affairs.
1-202. Executes city's contracts.
1-203. Term of office and compensation of mayor.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1970 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the city council. (1970 Code, § 1-202)

1-203. Term of office and compensation of mayor. The mayor elect for 1998, and for each term thereafter shall hold office and be elected for a term of four years beginning at 12:01 P.M. on the first Monday of July, next following his or her election. The salary for the office of mayor elect for the term beginning 1998, shall be $28,000.00 a year. The mayor shall further receive medical insurance, as provided to the other employees and shall receive and be reimbursed for the actual and necessary expenses incurred in the conduct of his or her official duties. All other provisions relating to the power, authority and duties of the mayor as contained in the city charter shall remain the same. (Ord. #153, _____ 1998)

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[1]Charter references
Election: § 5.
Powers and duties, etc.: §§ 7 and 15.
Vacancy in office: § 9.

CHAPTER 3

RECORDER[1]

SECTION

1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by the city council and with such surety as may be acceptable to the city council. (1970 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1970 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the mayor, the city council, and for the city which are not assigned by the charter, this code, or the mayor to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1970 Code, § 1-303)

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[1]Charter references
Bond: § 23.
Powers and duties: § 16.

CHAPTER 4

ETHICS POLICY

SECTION

1-401. Applicability.
1-402. Definitions.
1-403. Gift ban.
1-404. Gift ban exceptions.
1-405. Disposition of gifts.
1-406. Disclosure of personal interests by official with a vote.
1-407. Disclosure of personal interests in nonvoting matters.
1-408. City recorder to maintain a disclosure file.
1-409. Ethics complaints.
1-410. Violations.
1-411. Repealer clause.
1-412. City recorder to file a copy of ordinance with Tennessee Ethics Commission.

1-401. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #267, May 2007)

1-402. Definitions. For the purposes of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

(1) "City" means the municipality of Parsons, Tennessee.

(2) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.

(3) "Immediate family" means parents, spouse and children.

(4) "Personal interest" means:

(a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars ($10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars ($1,000.00) or more with the city, or is regulated by any agency of the city; or

(b) The ownership of any real estate having a value of one thousand dollars ($1,000.00) or greater which the city has or is negotiating an acquisition, leasehold, or easement agreement;

(c) Any such financial or ownership interest as defined in § 1-402(4)(a) and (b) of this chapter by the officer or employee's spouse or immediate family member. (as added by Ord. #267, May 2007)

1-403. Gift ban. Except as permitted in § 1-404 of this chapter, no covered official or employee, nor any immediate family member of a covered official or employee, shall intentionally or knowingly solicit or accept any gift as defined herein. (as added by Ord. #267, May 2007)

1-404. Gift ban exceptions. Section 1-403 of this chapter is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.

(3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather. stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancée or fiancé.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or

similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding fifty dollars ($50.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and intergovernmental gifts. For the purpose of this chapter, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Ceremonial gifts or awards which have insignificant monetary value.

(12) Unsolicited gifts of nominal value or trivial items of informational value. (as added by Ord. #267, May 2007)

1-405. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this chapter if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (as added by Ord. #267, May 2007)

1-406. Disclosure of personal interests by official with a vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure. (as added by Ord. #267, May 2007)

1-407. Disclosure of personal interests in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects

the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter. (as added by Ord. #267, May 2007)

1-408. City recorder to maintain a disclosure file. The city recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed. (as added by Ord. #267, May 2007)

1-409. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable laws.

(2) Except as otherwise provided in this chapter, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this chapter. The city attorney may request that the city council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

(4) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (as added by Ord. #267, May 2007)

1-410. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city charter or other applicable law and, in addition, is subject to censure by the city council. An appointed official or employee who violates any provision of this chapter is subject to disciplinary

action up to, and including, termination of employment. (as added by Ord. #267, May 2007)

1-411. Repealer clause. Ordinances and parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such in consistency. (as added by Ord. #267, May 2007)

1-412. City recorder to file copy of ordinance with Tennessee Ethics Commission. Upon adoption by the board of mayor and aldermen, the city recorder is hereby directed to file a duly signed and attested copy of the ordinance creating this chapter with the Tennessee Ethics Commission, in compliance with section 49 of Public Chapter No.1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (as added by Ord. #267, May 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. CITY BEAUTIFUL COMMISSION.

CHAPTER 1

CITY BEAUTIFUL COMMISSION

SECTION
2-101. Created.
2-102. Authorized to accept gifts and contributions.
2-103. Duties and powers of the commission.

2-101. Created. The Mayor and Board of Aldermen of the City of Parsons hereby creates and establishes a City Beautiful Commission which shall be composed of not more than ten (10) members, excluding as ex officio members the mayor, city administrator, and alderman in charge of public works. The appointive members shall be appointed by the mayor to serve at his pleasure and shall serve without compensation. To aid the City Beautification Commission in carrying out its duties and powers, which are set forth hereinafter, it shall be the duty of the City Beautiful Commission, at the first regular meeting of the city board in the month's of January, April, September of each year to file with the mayor and board of aldermen a written report of commission's activities and finances. (Ord. #60, April 1989)

2-102. Authorized to accept gifts and contributions. The City Beautiful Commission is hereby authorized and empowered, in the name of the City of Parsons, Tennessee to accept gifts and contributions from individuals, firms, and/or corporations, or other sources, for the use and benefit of the City of Parsons, Tennessee, to be expended by the City Beautification Commission in carrying out the powers and duties specified in § 2-103. (Ord. #60, April 1989)

2-103. Duties and powers of the commission. The duties and powers of the commission shall be to study, investigate, develop, and carry out plans for improving the health, sanitation, safety, cleanliness, and aesthetic influences and values of the city by beautifying the streets, highways, alleys, lots, yards, and other similar places in the city; to aid in the prevention of fires, diseases, and other casualties by the removal and elimination of trash and other debris from the streets, highways, alleys, lots, yards, plots, and other similar places; to encourage the placing, planting and preservation of trees, flowers, plants,

shrubbery, and other objects of beauty and ornamentation in the city; to protect song birds and other wild fowl; to advise with and recommend plans to other agencies of the city for beautification of the city, and to otherwise promote public interest in the general improvement of the appearance and aesthetics of the city; provided, however, that nothing herein shall be construed to abridge or change the powers and duties of the other commissions, departments, boards, and like agencies of the city. (Ord. #60, April 1989)

TITLE 3

MUNICIPAL COURT[1]

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

CHAPTER 1

CITY JUDGE

SECTION
3-101. City judge.

3-101. City judge. The officer appointed by the council to handle judicial matters within the city (or, in the absence of such an appointment, the mayor) shall preside over the city court, and shall be known as the city judge. (1970 Code, § 1-501)

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[1]Charter reference
City judge: § 18.

CHAPTER 2

COURT ADMINISTRATION

SECTION

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

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1970 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. All fines, penalties 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[1] for similar work in state cases. (1970 Code, § 1-508)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all fines, penalties, and costs imposed by his court during the current month and to date for the current fiscal year. (1970 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1970 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition

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[1]State law reference
Tennessee Code Annotated, § 8-21-401.

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. (1970 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

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

3-301. Issuance of arrest warrants.[1] The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1970 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1970 Code, § 1-504)

3-303. 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. (1970 Code, § 1-505)

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[1]State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1970 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1970 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars ($250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do 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. When a cash bail bond is accepted the arrested person shall be given a receipt which shall explain the nature of the deposit. (1970 Code, § 1-510)

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[1]State law reference
Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. VACATION AND OTHER TIME OFF.
3. PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

CHAPTER 1

SOCIAL SECURITY

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Parsons to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1970 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1970 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1970 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-705)

4-106. Exclusions and amendments. There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, not authorized to be covered by applicable state or federal laws or regulations. Acting under this chapter, the mayor is hereby directed to make and enter into an amendment to the social security agreement, so as to extend the benefits of the system of federal old age and survivors insurance to include employees and officials engaged in rendering "legislative" services, effective January 1, 1979; to include under coverage employees and officials the compensation for which is on a fee-basis, effective January 1, 1983; and to also exclude the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than $1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate federal official. (1970 Code, § 1-706, as amended by Ord. #102, June 1995)

CHAPTER 2

VACATION AND OTHER TIME OFF

SECTION

4-201. Applicability of chapter.
4-202. Vacation leave.
4-203. Payment for vacation leave on separation from employment.
4-204. Sick leave.
4-205. Definition of "immediate family" for sick leave purposes.
4-206. Reinstatement of sick leave on reemployment.
4-207. Bereavement leave.

4-201. Applicability of chapter. This chapter shall apply to all full-time city officers and employees except those operating under the jurisdiction of a separate board or commission. (1970 Code, § 1-801, as replaced by Ord. #247, Aug. 2006)

4-202. Vacation leave. After ninety (90) days of municipal employment all officers and employees shall accrue vacation leave at the rate specified in the table below:

Group #	Years of Municipal Service	Vacation Leave Per Year	Maximum Accrual Allowed
1	Ninety (90) days to three (3) years	5 days	10 days
2	After completion of three (3) years	10 days	15 days

Vacation leave is considered an important part of the benefits package provided to city employees for their service to the citizens of Parsons. Therefore, it is considered desirable for each employee to utilize their vacation leave to the fullest extent possible each year for their benefit and also for the good of the city. For this reason accumulation of vacation leave in excess of maximum allowed is not allowed. Vacation leave accrued in excess of maximum allowed will be forfeited and rolled into accumulated sick leave. Exceptions to this can only be granted on a case-by-case basis by the mayor and then only under exceptional circumstances that prevent the employee from taking accumulated vacation leave in the time allotted. (1970 Code, § 1-802, as replaced by Ord. #247, Aug. 2006)

4-203. Payment for vacation leave on separation from employment. Any employee terminating employment with the city under conditions other than discharge for misconduct may be paid any outstanding balance up to the allowed accrual with their last check. The amount paid will be based on the rate of pay in effect for the employee at the time of separation. This amount, of course, is subject to any outstanding debt owed to the city by the employee. (1970 Code, § 1-803, as replaced by Ord. #197, Feb. 2003, and Ord. #247, Aug. 2006)

4-204. Sick leave. All officers and full-time employees who have worked for the City of Parsons for more that ninety (90) days shall accrue one (1) day sick leave with pay per calendar quarter. Said sick leave shall accumulate on completion of a major part of any calendar quarter as long as the employee shall stay continuously employed by the city and said sick leave continues to accumulate quarterly as long as employee remains employed by the city. Sick leave is defined as absence due to verifiable illness, injury or medical needs of the employee and any member of the employee's immediate family. Absence from work due to sickness or injury will require competent medical evidence from a health care provider verifying the necessity to be off work due to an employee's medical condition. Sick leave requests for scheduled healthcare-related appointments for such things as non-work related physicals, procedures, surgery or office visits must be submitted in advance. Failure to secure required statements or verifications in a timely manner can result in denial of paid sick leave and said absence will be carried as unexcused leave without pay on the employee's record. Except as provided in § 4-206, any sick leave accumulated is forfeited on separation from employment. When a city employee retires from the city, any accumulated sick leave the employee has remaining on record may be added to the employee's length of service for computing of retirement amount. (1970 Code, § 1-804, as replaced by Ord. #247, Aug. 2006)

4-205. Definition of "immediate family" for sick leave purposes. Immediate family is defined as an employee's spouse, children, grandchildren, siblings, parents, parents-in-law, grandparents or grandparents-in-law. This can also include on a case-by-case basis any other related or non-related individual that can be verified by statement or general knowledge to have "stood in" for the parents of either the employee or employee's spouse for a significant portion of their life. Step-parents, step-grandparents, step-siblings, step-children and step-grandchildren are also included in this definition of immediate family. (as added by Ord. #247, Aug. 2006)

4-206. Reinstatement of sick leave on reemployment. Should a former employee be reemployed with the city after a break in service of less than three (3) years, he/she may be credited with any sick leave balance held at the

time of the previous separation if said separation was considered to have been in good standing and not related to misconduct. (as added by Ord. #247, Aug. 2006)

4-207. Bereavement leave. Each employee will be entitled to two (2) days bereavement, which will not be charged to any other leave account of the employee, for the death of a member of their immediate family as defined in § 4-205 of this chapter. This leave will be granted for the day of the funeral and either the day before or after the funeral as the employee desires. (as added by Ord. #247, Aug. 2006)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

4-301. Business dealings.
4-302. [Repealed.]
4-303. Outside employment.
4-304. Political activity.
4-305. Use of city time, facilities, etc.
4-306. Use of position.
4-307. Strikes and unions.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city. (1970 Code, § 1-901)

4-302. [Repealed.] (1970 Code, § 1-902, as repealed by Ord. #267, May 2007)

4-303. Outside employment. No full-time officer or employee of the city shall accept any outside employment without written 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 city employment, or is likely to cast discredit upon or create embarrassment for the city. (1970 Code, § 1-903)

4-304. Political activity. City officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, city employees shall not be qualified to run for elected office in the city council. This restriction shall not apply to elective officials. (1970 Code, § 1-904, modified)

4-305. Use of city time, facilities, etc. No city officer or employee shall use or authorize the use of city 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 city council has authorized the use of such time, facilities, equipment, or supplies, and the

city is paid at such rates as are normally charged by private sources for comparable services. (1970 Code, § 1-905)

4-306. Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1970 Code, § 1-906)

4-307. Strikes and unions. No city officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other city officer or employee to join any labor union which authorizes the use of strikes by government employees. (1970 Code, § 1-907)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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

4-401. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the city. (1970 Code, § 1-1101, as replaced by Ord. #208, Nov. 2003)

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

(1) Provide a safe and healthful place and condition of employment that includes:

(a) Top management commitment and employee involvement;

(b) Continually analyze the work site to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling existing or potential hazards; and

(d) Train managers, supervisors, and employees to understand and deal with work site hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety the health standards, and provide for education and notification of all employees of the existence of this program. (1970 Code, § 1-1102, as replaced by Ord. #208, Nov. 2003)

4-403. Coverage. The provisions of the occupational safety and health program for the employees of the city shall apply to all employees of each administrative department, commission, board, division or other agency of the city whether part-time or full-time, seasonal or permanent. (1970 Code, § 1-1103, as replaced by Ord. #208, Nov. 2003)

4-404. Standards authorized. The occupational safety and health standards adopted by the city are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 5). (as added by Ord. #208, Nov. 2003)

4-405. Variances from standards authorized. The city may, upon written application of the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 5. Prior to requesting such temporary variance, the city shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the mayor shall be deemed sufficient notice to employees. (as added by Ord. #208, Nov. 2003)

4-406. Administration. For the purposes of this chapter, the city's safety director is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer the program. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (as added by Ord. #208, Nov. 2003)

4-407. <u>Funding the program</u>. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the council of the city. (as added by Ord. #208, Nov. 2003)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER
1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.

CHAPTER 1

MISCELLANEOUS

SECTION
5-101. Official depositories for city funds.

5-101. Official depositories for city funds. The Farmers Bank of Parsons, and the Citizens State Bank of Parsons are hereby designated as the official depositories for all city funds. (1970 Code, § 6-401)

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[1]Charter references
Depositories for city funds: § 44.
Signatures required for checks: § 43.

CHAPTER 2

REAL PROPERTY TAXES[1]

SECTION

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

5-201. When due and payable.[2] Taxes levied by the city against real property shall be payable annually anytime after the city tax rolls are prepared. Such taxes shall be due annually on the first day of February of the year following that for which levied. (1970 Code, § 6-101)

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[1]Charter references
City powers; property tax: § 46(a).
Collection: § 41.
Delinquent taxes: § 40.
Omitted property: § 37.
Penalties, etc.: § 42.
Property taxes and assessments: § 36.
Tax due date: § 39.
Tax levy: § 38.

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

5-202. When delinquent--penalty and interest.[1] When real property taxes become delinquent they shall be subject to such penalty and interest as is authorized and prescribed in the charter.[2] (1970 Code, § 6-102)

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[1]Charter and state law reference

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

[2]Charter and state law references

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

(1) Under the provisions of its charter for the collection of delinquent property taxes.

(2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.

(3) By the county trustee under Tennessee Code Annotated, § 67-5-2005.

CHAPTER 3

PRIVILEGE TAXES[1]

SECTION

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

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city in the manner prescribed by the said act. All persons shall pay a gross receipts tax in addition to the minimum tax according to the dominant business activity of such persons as follows:

(1) Classification 1 of § 67-4-708.

One-thousandth (1/1000) of one percent (1%) of all the retail sales of the businesses.

One-thousandth (1/1000) of one percent (1%) of all the wholesale sales of the business by persons classified under subsection (a) of classification 1 of § 67-4-708.

One-thousandth (1/1000) of one percent (1%) of all the wholesale sales of the business by persons classified under subsections (b) and (c) of classification 1 of § 67-4-708.

(2) Classification 2 of § 67-4-708.

One-thousandth (1/1000) of one percent (1%) of all the retail sales of the business.

One-thousandth (1/1000) of one percent (1%) of all the wholesale sale of the business.

(3) Classification 3 of § 67-4-708.

One-thousandth (1/1000) of one percent (1%) of all the retail sales of the business.

One-thousandth (1/1000) of one percent (1%) of all the wholesale sales of the business.

(4) Classification 4 of § 67-4-708.

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[1]Charter reference
City powers; levy and collect privilege tax: § 4(b).

One-thousandth (1/1000) of one percent (1%) of the compensation entitled to under a contract after excluding legal deductions.[1] (1970 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1970 Code, § 6-302)

[1]See particularly title 67, chapter 42, Tennessee Code Annotated. For additional provisions as to administration and collection, see also title 67, chapter 43, particularly section 67-4307.

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST[1]

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. (1970 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trail of cases. Policemen shall also promptly serve any legal process issued by the city court. (1970 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city council 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. (1970 Code, § 1-403)

6-104. When policemen to make arrests[1]. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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[1]Municipal code reference
Traffic citations, etc.: title 15, chapter 7.

(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. (1970 Code, § 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 a person's assistance is requested by the policeman and is reasonably necessary to make the arrest. (1970 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a 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. (1970 Code, § 1-406)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1970 Code, § 1-407)

CHAPTER 2

WORKHOUSE

SECTION

6-201. City jail to be used.
6-202. Inmates to be worked.
6-203. Compensation of inmates.

6-201. City jail to be used. The city jail is hereby designated as the city workhouse. (1970 Code, § 1-601)

6-202. 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 prescribed by the recorder. (1970 Code, § 1-602)

6-203. 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. (1970 Code, § 1-603)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER
1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.

CHAPTER 1

FIRE DISTRICT

SECTION
7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows:

Bounded by the alley immediately north of and running parallel with Main Street from Florida Avenue to the alley 150 feet east of and running parallel with Tennessee Avenue; thence said alley to Third Street; thence west with Third Street to Long Avenue; thence north with Long Avenue from Third Street to Second Street; thence west with Second Street to Florida Avenue; thence north with Florida Avenue to the point of beginning. (1970 Code, § 7-101)

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

CHAPTER 2

FIRE CODE[1]

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.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Standard Fire Prevention Code,[2] 1999 edition, as recommended by the Southern Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1970 Code, § 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. (1970 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Parsons, Tennessee. (1970 Code, § 7-203)

7-204. Storage of explosives, flammable liquids, etc. (1) The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosive materials is prohibited, are hereby declared to be the fire district as set out in § 7-101 of this code.

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

[2]Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

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

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

(4) The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire district as set out in § 7-101 of this code. (1970 Code, § 7-204, modified)

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. (1970 Code, § 7-205)

7-206. Variances. The chief of the fire department may recommend to the city council variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1970 Code, § 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 city council 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. (1970 Code, § 7-207)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Chief responsible for training.
7-306. 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 city council. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the city council shall authorize and the mayor shall appoint. (1970 Code, § 7-301)

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

(1) To prevent uncontrolled fires from starting.

(2) To prevent the loss of life and property because of fires.

(3) To confine fires to their places of origin.

(4) To extinguish uncontrolled fires.

(5) To prevent loss of life from asphyxiation or drowning.

(6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1970 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1970 Code, § 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. (1970 Code, § 7-304)

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[1]Municipal code reference

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

7-305. 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. (1970 Code, § 7-305)

7-306. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1970 Code, § 7-307)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits generally.

7-401. 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 the fire is on city property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the city council. (1970 Code, § 7-306)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. BEER.
2. [DELETED.]

CHAPTER 1

BEER

SECTION
8-101. Beer board established.
8-102. Meetings of the beer board.
8-103. Record of beer board proceedings to be kept.
8-104. Requirements for beer board quorum and action.
8-105. Powers and duties of the beer board.
8-106. "Beer" defined.
8-107. Permit required for engaging in beer business.
8-108. Application requirements.
8-109. Privilege tax.
8-110. Beer permits – types of permits.
8-111. Classification of on-premise permits.
8-112. Temporary permits.
8-113. Interference with public health, safety, and morals prohibited.
8-114. Issuance of permits to persons convicted of certain crimes prohibited.
8-115. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
8-116. Revocation of beer permits.
8-117. Civil penalty in lieu of suspension.
8-118. Violations.

8-101. Beer board established. There is hereby established a beer board to be composed of three (3) members which shall be appointed by the mayor to serve for terms of three (3) years each. The appointments shall be

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[1]Municipal code references
Drinking beer, etc., on streets, etc.: § 11-101.

State law reference
Tennessee Code Annotated, title 57.

approved by the council. The terms of the beer board shall be staggered with one (1) member to be appointed each year. The initial board shall be appointed by the mayor who shall appoint one (1) member for a term of one (1) year; one (1) member for a term of two (2) years; and one (1) member for a term of three (3) years. Vacancies in the beer board shall be filled by appointment by the mayor and approved by the council to fill the unexpired term of the member whose position is vacant. The member of the beer board shall be appointed from individuals who reside within the city limits of the City of Parsons. Members of the council may serve on the beer board but election to the council shall not be a requirement for appointment to the beer board. A chairman shall be elected annually by the board from among its members. Members of the beer board shall serve with compensation to be set by the council from time to time.

(2) Each member of the beer board attending a beer board meeting shall receive compensation for attending the meeting in the amount of one hundred dollars ($100.00). (1970 Code, § 2-101, as replaced by Ord. #249, Aug. 2006, and Ord. #290, Aug. 2008)

8-102. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (as added by Ord. #249, Aug. 2006)

8-103. Record of beer board proceedings to be kept. The recorder, or other designated individual, 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. (as added by Ord. #249, Aug. 2006)

8-104. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (as added by Ord. #249, Aug. 2006)

8-105. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate, supervise, and control the issuance, suspension, and revocation of permits to sell, store for sale, distribute

for sale, and manufacture beer within this municipality in accordance with the provisions of this chapter. (as added by Ord. #249, Aug. 2006)

8-106. "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. (as added by Ord. #249, Aug. 2006)

8-107. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), and shall be accompanied by a non-refundable application fee of two hundred fifty dollars ($250.00). Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

A permit shall be valid only for the owner to whom the permit is issued and cannot be transferred to another owner. A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change in the business's name; provided, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. (as added by Ord. #249, Aug. 2006)

8-108. Application requirements. Applications for such permits shall be made with the city recorder on a form provided by the city. Said form shall be signed by the applicant, if an individual, or by oath or affidavit if a corporation, and shall, at a minimum, contain the following information:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one (1) person or his nominee, the name of such person.

(2) The character of business of the applicant and in the case of a corporation, the objects for which it was formed, including a statement indicating what type or classification of permit desired.

(3) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.

(4) The location and description of the premises or place of business which is to be operated under such license.

(5) A statement whether the applicant has made application to the city for a similar or other license on-premises other than described in this application, and the disposition of such application.

(6) A statement that neither the applicant nor any persons employed by him in such business shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years.

(7) A statement whether the person so applying will conduct the business in person or whether he is acting as agent for any other person, firm, corporation, syndicate, association, or joint-stock company.

(8) Whether a previous license by any county or municipality of the state has been revoked, and the reason therefor.

(9) A statement that no sale shall be made to minors.

(10) A statement that the applicant will not violate any of the laws of the State of Tennessee, or of the United States, or any ordinance of the City of Parsons in the conduct of his place of business, or knowingly allow any employee or agent of his to do so.

Any person making false statement in said application shall forfeit his permit and shall not be eligible to obtain another permit for a period of ten (10) years. (as added by Ord. #249, Aug. 2006)

8-109. Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars ($100.00). The city shall notify each permit holder by December 1 of each year of the tax due date. 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 or before January 31 to the City of Parsons, Tennessee. If the tax is not paid by January 31, the city may take all action necessary to collect the tax as provided by Tennessee Code Annotated, § 57-5-104(3), including permit revocation or imposition of a civil penalty. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (as added by Ord. #249, Aug. 2006)

8-110. Beer permits – types of permits. 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.

Permits for the retail sale of beer shall be of two (2) types:

(1) On-premise permits. On-premise permits shall be issued for the consumption of beer on the premises in accordance with the provisions of this chapter and any other restrictions required by the beer board.

(2) Off-premise permits. Off-premise permits shall be issued for the sale of beer for consumption off the business premises in accordance with the provisions of this chapter and any other restrictions required by the beer board. A business desiring to sell beer for both on-premise and off-premise consumption shall indicate such on the permit application and the beer board may issue a single permit for such an operation. If a holder of a beer permit for either on-premises or off-premises consumption desires to change the permit holder's method of sale, the permit holder shall apply, at no cost, to the beer board for an amended permit.

It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (as added by Ord. #249, Aug. 2006)

8-111. Classification of on-premise permits. Permits for the sale of beer for on-premise consumption shall be issued according to the following class:

Restaurant. Restaurant shall mean any business establishment with a minimum seating capacity of fifty (50) persons whose primary business is the sale of prepared food. A restaurant as so defined shall be a public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, and such place being provided with adequate dining room equipment and a separate room dedicated to food preparation containing commercial grade cooking equipment including at a minimum a stove/oven, grill and refrigerator/freezer and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Said restaurant shall serve at least two (2) meals per day, five (5) days a week or derive at least seventy-five percent (75%) of its gross sales from the sale of food and non-alcoholic beverages. (as added by Ord. #249, Aug. 2006, and amended by Ord. #280, April 2008)

8-112. Temporary permits. No temporary permits will be permitted. (as added by Ord. #249, Aug. 2006)

8-113. Interference with public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when the beer board determines that such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. (as added by Ord. #249, Aug. 2006)

8-114. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating

liquor, or any crime involving moral turpitude within the past ten (10) years. No person, firm, corporation, joint-stock company, syndicate, or association having at least a five percent (5%) ownership interest in the applicant shall have been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years. (as added by Ord. #249, Aug. 2006)

8-115. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

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

(2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.

(3) Holders of permits for off-premise consumption only, restaurant on-premise consumption, non-profit club and private club on-premise consumption or combination off-premise consumption/restaurant on-premise consumption may make or allow the sale of beer at any time said business is open.

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

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

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

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

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

(9) Fail to provide and maintain separate sanitary toilet facilities for men and women for on-site sales permit. (as added by Ord. #249, Aug. 2006)

8-116. 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 or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Where a permit is revoked, no new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective. The board, in its discretion,

may determine that issuance of a permit before the expiration of one (1) year from the date of revocation becomes final is appropriate, if the individual applying for such issuance is not the original holder of the permit or any family member who could inherit from such individual under the statute of intestate succession.

(2) No permit or license shall be revoked on the grounds the operator or any person working for the operator sells beer to a minor over the age of eighteen (18) years if such minor exhibits an identification, false or otherwise, indicating the minor's age to be twenty-one (21) or over, if the minor's appearance as to maturity is such that the minor might reasonably be presumed to be of such age and is unknown to such person making the sale. The license or permit may be suspended for a period not to exceed ten (10) days or a civil penalty up to one thousand five hundred dollars ($1,500.00) may be imposed pursuant to § 8-117.

(3) The action of the beer board in connection with the issuance of any order of any kind, including the revocation or suspension of a permit, imposition of a civil penalty or the refusal to grant a permit under this chapter, may be reviewed by statutory writ of certiorari, with a trial de novo as a substitute for an appeal, the petition of certiorari to be addressed to the circuit or chancery court of Decatur County. (as added by Ord. #249, Aug. 2006)

8-117. 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 one thousand five hundred dollars ($1,500.00) for each offense of making or permitting to be made any sales to minors or a civil penalty not to exceed one thousand dollars ($1,000.00) for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #249, Aug. 2006)

8-118. Violations. Except as provided in § 8-117, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #249, Aug. 2006)

CHAPTER 2

[DELETED]

(as deleted by Ord. #249, Aug. 2006)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER
1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. MECHANICAL AMUSEMENT DEVICES, POOL TABLES, ETC.
6. CABLE TELEVISION.

CHAPTER 1

MISCELLANEOUS

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

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1970 Code, § 5-101)

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[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Junkyards: title 13.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

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 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. (1970 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1970 Code, § 5-202)

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

(1) Name and physical description of applicant.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

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[1]Municipal code references
Privilege taxes: title 5.

(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. (1970 Code, § 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 recorder 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 recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1970 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the city council. 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. (1970 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city 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 city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1970 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city 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. (1970 Code, § 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 the operation might impede or inconvenience the public use of the 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. (1970 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1970 Code, § 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. (1970 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city council 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 recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1970 Code, § 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. (1970 Code, § 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's 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. (1970 Code, § 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 recorder 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. (1970 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder 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. (1970 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1970 Code, § 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. (1970 Code, § 5-304)

CHAPTER 4

TAXICABS[1]

SECTION

9-401. Taxicab franchise and privilege license required.
9-402. Requirements as to application and hearing.
9-403. Liability insurance or bond 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.

9-401. 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 city and has a currently effective privilege license. (1970 Code, § 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 city council; and make a recommendation

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[1]Municipal code reference
Privilege taxes: title 5.

to either grant or refuse a franchise to the applicant. The city council 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 city council shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1970 Code, § 5-402)

9-403. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or bond for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12.

The insurance policy or bond 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 insuror to both the insured and the recorder of the city. (1970 Code, § 5-403)

9-404. Revocation or suspension of franchise. The city council, 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. (1970 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city 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 the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1970 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the city 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. (1970 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. For each such inspection the chief shall collect a fee of two dollars ($2.00) and shall issue a certificate of inspection which shall be displayed prominently inside the taxicab. (1970 Code, § 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. (1970 Code, § 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 city 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. (1970 Code, § 5-409)

9-410. Revocation or suspension of driver's permit. The city council, 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 § 9-409. (1970 Code, § 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 city for the purpose of obtaining patronage for their cabs. (1970 Code, § 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 city 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. (1970 Code, § 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. (1970 Code, § 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. (1970 Code, § 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 city in any way. (1970 Code, § 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. (1970 Code, § 5-416)

CHAPTER 5

MECHANICAL AMUSEMENT DEVICES, POOL TABLES, ETC.

SECTION

9-501. Definitions.
9-502. Seal or tag to show serial number.
9-503. Special requirements for electrical devices.
9-504. Location near playgrounds or schools prohibited; exception.
9-505. Noisy operation.
9-506. Rules and regulations to enforce chapter.
9-507. Machines exempt from chapter.
9-508. Permit required.
9-509. Filing and contents of application.
9-510. Fees.
9-511. Approval of application for permits by chief of police; appeals from denials.
9-512. Numbering of permits; permit required for each device, location.
9-513. Posting of permits.
9-514. Transfer of permits prohibited.
9-515. Renewal of permit.
9-516. Permit suspension or revocation.

9-501. Definitions. As used in this chapter, the following words shall have the following respective meanings:

(1) "Mechanical amusement device" shall mean any machine or device which, upon the insertion of a coin, slug, or token, in any slot or receptacle attached to such machine or connected therewith, operates or which may be operated for use as a game, contest, or amusement, or which may be operated for the playing of music or the exhibition of moving or still pictures, or may be used for any such game, contest, or amusement and which does not contain a payoff device for the use of slugs, money, coins, checks, tokens, or merchandise.

(2) "Owner or operator of a mechanical amuse device" shall mean the person in whose place of business any such mechanical amusement device is placed for the use, amusement, patronage, or recreation of the public or of persons in or about such place.

(3) "Pool tables and billiard tables" are defined to be tables of any size and construction wherein the games of pool, billiards, and similar games are played by the use of a cue stick and balls. (1970 Code, § 5-501)

9-502. Seal or tag to show serial number. Every mechanical amusement device shall have a seal or tag permanently attached thereto showing the serial number of the device. (1970 Code, § 5-502)

9-503. Special requirements for electrical devices. Every mechanical amusement device which is wired for electricity shall have attached thereto a label indicating the name and address of the manufacturer and the voltage and current necessary for the proper operation of such device.

Each portable mechanical amusement device wired for electricity shall be equipped with not more than six (6) feet of electric cord of a type approved by the electrical inspector, and shall be connected to a convenient plug receptacle adjacent to such mechanical amusement device.

Where it is necessary to install electric wiring to a mechanical amusement device location, such wiring shall be installed by a master electrician in accordance with the provisions of the electrical code. (1970 Code, § 5-503)

9-504. Location near playgrounds or schools prohibited; exception. It shall be unlawful for any owner or operator of a mechanical amusement device to cause, permit, or allow the same to be located, operated, or maintained to be operated within 500 feet of the nearest street entrance to or exit from any public playground or private school or elementary or high school grades, such feet to be measured from the entrance of exit in the most direct line or route on, along, or across such street adjacent to such public playground or public or private school. (1970 Code, § 5-504)

9-505. Noisy operation. It shall be unlawful for any person in charge of any mechanical amusement device playing or emitting music or sound to permit such device to be operated in such a manner that the sound created, emitted, or transmitted by the mechanical amusement device is audible to any public street or highway or upon any adjoining premises. (1970 Code, § 5-505)

9-506. Rules and regulations to enforce chapter. The chief of police and the electrical inspector are hereby authorized to adopt, promulgate, and enforce such rules and regulations regarding mechanical amusement devices as will enable the police and the electrical inspector to enforce and carry out the provisions, meanings, and intent of this chapter. (1970 Code, § 5-506)

9-507. Machines exempt from chapter. The provisions of this chapter shall not apply to any machine which, in return for the coin deposited in such device, will deliver the equivalent value of such coin in merchandise; provided that no prize, reward, bonus, or other thing of value is delivered with the merchandise. (1970 Code, § 5-507)

9-508. Permit required. It shall be unlawful for any person to install, operate, or maintain to be operated any mechanical amusement device or pool or billiard tables in the city without having first obtained a permit for each device or table from the chief of police. (1970 Code, § 5-508)

9-509. Filing and contents of application. Application for the permit required by this chapter shall be made to the chief of police on forms provided by him, shall be signed by the applicant, and shall contain the following information and such additional information as is deemed necessary by the chief of police;

(1) Name and business address of applicant.

(2) Name and address of the location where the mechanical amusement device or pool or billiard tables are to be placed for operation; the nature of any business or calling being conducted at said location, together with the name of the owner and manager of said business, and if a corporation; and the number of mechanical amusement devices or pool or billiard tables in place or to be placed by the permit holder at that location.

The application may be made for a permit to place more than one (1) mechanical amusement device or pool or billiard table at the same location, but no single application may include more than one (1) location. (1970 Code, § 5-509)

9-510. Fees. A fee shall be charged for each mechanical amusement device or pool or billiard table permit issued. The fee shall be:

Bingo-type pinball machine . . . . . $50.00 per machine
Pool table or billiards . . . . . $10.00 per table
Video type picture-type, coin-operated machine, moving or still . . . . . $25.00 per machine
Nonbingo-type pinball machine and shuffle-board coin-operated machine . . . . . $10.00 per machine
Any other coin-operated public amusement device . . . . . $5.00 per machine

The applicant shall file an original and one (1) copy of an application for a permit under the provisions of this chapter with the chief of police. If the application is approved, the application shall be marked "Approved by the Chief of Police." The applicant shall then deliver the approved original and copy to the city administrator of the city, where the appropriate fee shall be paid. After the applicant's paying of the fee, the city administrator shall stamp the original and copy of the application "fee paid." The applicant shall then retain the original, and the copy shall be sent by the city administrator to the chief of police. (1970 Code, § 5-510)

9-511. Approval of application for permits by chief of police; appeals from denials. The chief of police shall approve the application for a permit unless:

(1) The owner or operator of the location, or the president of the corporation, where the permit is being sought has been convicted of criminal offense relating to the use of the type device for which a permit is being sought. This is to include, but not be limited to, illegal gambling on pinball machines,

illegal gambling at pool or billiard tables, illegally allowing minors to play pinball machines, showing or distributing obscene movies or pictures or operating a mechanical amusement device or pool or billiard table without having obtained a permit to do so;

(2) The electrical inspector has reported that the location is not capable of safely handling the electricity required for the operation of the machine(s); or

(3) The location for which the permit is sought is currently subject to suspension or revocation of a permit issued under this chapter.

Any person aggrieved by the action of the chief of police in denying the permit shall have the right to appeal to the city council, provided such appeal is perfected within five (5) days from such denial. The action of the city council on such appeal shall be final, except as same is subject to review at law. (1970 Code, § 5-511)

9-512. Numbering of permits; permit required for each device; location. Every permit issued under this chapter shall be serially numbered. A permit shall be required for each device at each location. The chief of police shall be required to keep records of the locations where permits have been issued and the number and type of permits for each location. (1970 Code, § 5-512)

9-513. Posting of permits. A permit of permits issued under this chapter shall be permanently and conspicuously posted at the location and on the machine or device or table for which it is issued and shall not be removed from such location or from the machine, device, or table, except with the written permission of the chief of police or his designee. (1970 Code, § 5-513)

9-514. Transfer of permits prohibited. No permit issued under this chapter shall be transferred from one person to another, nor shall any permit be transferred from one location to another, or from one machine, device, or table to another without first notifying the chief of police of such intended action. (1970 Code, § 5-514)

9-515. Renewal of permit. Permits issued under this chapter shall be renewed annually and the application for renewal shall be accompanied by the payment of the fee required for the type device prescribed. The renewal fee shall be paid each year from date of issue. (1970 Code, § 5-515)

9-516. Permit suspension or revocation. Whenever the chief of police has reason to believe that a permittee or any of the permittee's servants, agents, or employees in the use, operation or maintenance of any mechanical amusement device or poolroom has violated any law of the state or any provisions of this chapter or any other ordinance of the city which is directly

related to the public amusement device for which the permittee has been granted a permit, the chief of police shall give the permittee at least three (3) days notice of a hearing to determine whether the permit(s) should be suspended or revoked. At the revocation or suspension hearing, the chief of police, or his designee, shall hear testimony from both the police department and the permittee. The permittee shall have a right to representation by an attorney at said hearing. At the conclusion of the hearing, the chief of police, or his designee, shall give written notice of the decision to the permittee, said notice to include notice of permittee's right to appeal to the city council. The action of the chief of police, or his designee, shall be final unless his action is appealed to the city council.

Appeals shall be heard before the city council, provided the permittee notifies the city administrator in writing of his intention to appeal. This notice shall be made within ten (10) days after notice of suspension or revocation is mailed to permittee at his business address given on his application form. If such a hearing is requested, it shall be heard at such time as the city council so designates, and the city administrator shall notify the permittee of the time, date, and place of the hearing.

Mechanical amusement devices or pool or billiard tables as defined in this chapter shall be removed by the permittee from the establishment when a permit has been suspended or revoked and an appeal has not been requested to the city council as above set forth. If these items are not removed after the suspension or revocation is filed, and there is not appeal taken to the city council, they shall be deemed public nuisances and on order of the chief of police shall be removed from the permit location with costs for such removal to be assessed against the permittee. (1970 Code, § 5-516)

CHAPTER 6

CABLE TELEVISION

SECTION

9-601. To be furnished under franchise.

9-601. To be furnished under franchise. Cable television service shall be furnished to the city and its inhabitants under such franchise as the city council shall grant. The rights, powers, duties and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.[1] (as added by Ord. #258, Jan. 2007)

[1]Complete details relating to the cable television franchise agreement are available in the office of the city recorder.

TITLE 10

ANIMAL CONTROL[1]

CHAPTER
1. IN GENERAL.
2. DOGS.
3. VICIOUS 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.

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 in any street, alley, or unenclosed lot within the corporate limits. (1970 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1970 Code, § 3-102)

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

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[1]Charter reference
City powers; animals and fowls: § 4(0).

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1970 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1970 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1970 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1970 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the city council, to cover the costs of impoundment and maintenance. (1970 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1970 Code, § 3-108)

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" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114). (1970 Code, § 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. (1970 Code, § 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. (1970 Code, § 3-203)

10-204. Vicious dogs to be securely restrained.[2] 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. (1970 Code, § 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. (1970 Code, § 3-205)

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[1]State law reference
Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

[2]Municipal code reference
Vicious dogs: title 10, chapter 3.

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. (1970 Code, § 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 city council. 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, in accordance with a schedule approved by the city council, 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] (1970 Code, § 3-207)

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[1]State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definitions.
10-302. Vicious dogs prohibited.
10-303. Procedures for determining that a dog is vicious.
10-304. Impoundment of vicious dogs.
10-305. Standards and requirements for keeping vicious dogs.
10-306. Sale or transfer of ownership prohibited.
10-307. Court proceedings against the owner.
10-308. Court findings.
10-309. Guard dogs.
10-310. Penalties.

10-301. Definitions. The following words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(1) "Vicious dog" means a dog of any breed which:

(a) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks. or any public or private property; or

(b) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals; or

(c) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or

(d) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.

(2) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(3) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(4) "Confined" means to be securely kept indoors, within an automobile or other vehicle, or kept in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of such dog.

(5) "Securely enclosed and locked pen or structure" means a fenced-in area that shall be a minimum of ten feet (10') wide, ten feet (10') long, and six feet (6') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with all necessary steel

supporting posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least two feet (2') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure shall contain and provide shelter and protection from the elements, adequate exercise room, be adequately lighted and ventilated, and kept in a sanitary condition.

(6) "Physical restraint" means a muzzle and a leash not to exceed four feet (4') in length.

(7) "Under restraint" means that the clog is secured by a leash, led under the control of a person who is at least eighteen (18) years of age and physically capable of restraining the dog, and that the dog is obedient to that person's commands. A dog kept within a securdy enclosed and locked pen or structure shall also be considered to be under restraint.

(8) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(9) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or possessing a pit bull or any other dog regardless of breed determined to be vicious, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. Such dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel. (as added by Ord. #351, Oct. 2013)

10-302. <u>Vicious dogs prohibited</u>. It shall be unlawful for any person to own, keep, harbor, or possess a vicious clog within the corporate limits of the City of Parsons unless such dog is confined in compliance with this chapter. (as added by Ord. #351, Oct. 2013)

10-303. <u>Procedures for determining that a dog is vicious</u>. (1) Upon his own complaint alleging a dog to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Parsons, the Parsons city judge shall hold a hearing within thirty (30) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by subpoena or a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard. The dog may be impounded if it has physically bitten a person or persons until the city judge may determine if the dog is to be declared vicious.

(2) In making the determination as to whether a dog is vicious, the city judge shall consider, but is not limited to, the following criteria:

(a) Provocation.

(b) Severity of attack or injury.
(c) Previous aggressive history of the dog.
(d) Observable behavior of the dog.
(e) Site and circumstances of the incident giving rise to the complaint.
(f) Age of the victim.
(g) Statements from witnesses and other interested parties.
(h) Reasonable enclosures already in place.
(i) Height and weight of the dog.

(3) Within five (5) days of the hearing, the city judge shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this chapter. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street; of such finding. This notice to occupants of abutting properties shall be in verbal form or by certified mail, return receipt requested, and shall be at the owner's sole expense. The city judge may

(a) Vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this chapter, or

(b) Permit an alternate method of enclosure provided that, in the sole discretion of the city judge, such alternate method fulfills the objectives as a secure enclosure.

(4) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

(a) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the dog; or
(b) Was teasing, tormenting, abusing, or provoking the dog; or
(c) Was committing or attempting to commit a crime.

No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault. (as added by Ord. #351, Oct. 2013)

10-304. <u>Impoundment of vicious dogs</u>. Any vicious dog, not in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the City of Parsons or agents acting on behalf of the city, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with such impoundment in addition to any punitive fines to be paid. No dog, which has been declared vicious pursuant to this chapter, shall be released from impoundment unless and until the standards

and requirements for keeping vicious dogs, as specified in § 10-305 of this chapter have been met. (as added by Ord. #351, Oct. 2013)

10-305. Standards and requirements for keeping vicious dogs. The following standards and requirements shall apply to the keeping of vicious dogs located within the corporate limits of Parsons.

(1) Registration. Within ten (10) days of a dog being declared vicious pursuant to this chapter, the owner, keeper, harborer, or possessor of such dog shall register dog with the Parsons City Recorder.

(2) Physical restraint. No person having charge, custody, control, or possession of a vicious dog shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(3) Muzzle. It is unlawful for any owner or keeper of a vicious dog to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(4) Outdoor confinement. Except when leashed and muzzled as provided in this chapter, all vicious dogs shall be securely confined as described in § 10-301 of this chapter. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. All outdoor structures erected to house vicious dogs must comply with zoning and building ordinances and regulations of the City of Parsons and construction of such structures shall be completed within thirty (30) days of the owner's dog being declared vicious.

(5) Indoor confinement. No vicious dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(6) Signs. All owners, keepers, harbors, or possessors of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs required by this chapter shall be installed and in place within fourteen (14) days of an owner's dog being declared vicious.

(7) Insurance. Within fourteen (14) days of being declared vicious, all owners, keepers, harbors, or possessors of vicious dogs shall provide proof to the city recorder of public liability insurance in a single incident amount of one

hundred thousand dollars ($100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days advance written notice is first given to the Parsons City Recorder.

(8) Identification photographs. Within fourteen (14) days of being declared vicious, all owners, keepers, possessors, or harbors of vicious dogs shall provide to the Parsons City Recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(9) Reporting requirements. All owners, keepers, possessors, or harbors of vicious dogs shall within ten (10) days of the incident report the following information in writing to the Parsons City Recorder as required hereinafter:

(a) The removal from the city or death of a vicious dog.

(b) The birth of offspring of a vicious dog.

(c) The new address of a vicious dog owner, keeper, possessor, or harbor should such owner, keeper, possessor, or harbor move his residence within the corporate limits of the City of Parsons. (as added by Ord. #351, Oct. 2013)

10-306. Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a vicious dog to any person within the City of Parsons unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such dog to persons who do not reside within the City of Parsons. (as added by Ord. #351, Oct. 2013)

10-307. Court proceedings against the owner. If any vicious dog is impounded, the City of Parsons may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment. (as added by Ord. #351, Oct. 2013)

10-308. Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. (as added by Ord. #351, Oct. 2013)

10-309. Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Parsons for the protection of persons or property unless the following provisions are met:

(1) The guard dog shall be confined; or

(2) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and

(3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entrance way to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling the guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #351, Oct. 2013)

10-310. Penalties. Any person found violating the provisions of this chapter upon conviction shall be fined fifty dollars ($50.00) and each day of violation shall be deemed a separate violation. (as added by Ord. #351, Oct. 2013)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.

CHAPTER 1

ALCOHOL[2]

SECTION

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

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an 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. (1970 Code, § 10-229)

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

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

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. 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. (1970 Code, § 10-235)

CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-301. Disturbing the peace.
11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1970 Code, § 10-202)

11-302. 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, truck, 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 person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

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

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

(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 recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

(d) Business and industry. Noise created in the normal course of business for any business or industry existing in an area of the city that is zoned "M-1 Industrial District." (1970 Code, § 10-234, as amended by Ord. #234, Aug. 2005)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Impersonating a government officer or employee.
11-402. False emergency alarms.
11-403. Coercing people not to work.

11-401. 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. (1970 Code, § 10-211)

11-402. 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. (1970 Code, § 10-217)

11-403. 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. (1970 Code, § 10-231)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.
11-502. Throwing missiles.
11-503. Weapons and firearms generally.

11-501. 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. (1970 Code, § 10-213)

11-502. Throwing 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. (1970 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1970 Code, § 10-212, modified)

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-601. Trespassing.
11-602. Malicious mischief.
11-603. Interference with traffic.

11-601. 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 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. (1970 Code, § 10-226)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1970 Code, § 10-225)

11-603. 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 unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1970 Code, § 10-233)

CHAPTER 7

MISCELLANEOUS

SECTION

11-701. Abandoned refrigerators, etc.
11-702. Caves, wells, cisterns, etc.
11-703. Posting notices, etc.
11-704. Curfew for minors.
11-705. Wearing masks.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1970 Code, § 10-223)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1970 Code, § 10-232)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1970 Code, § 10-227)

11-704. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years, to be abroad at night between 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. (1970 Code, § 10-224)

11-705. 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 recorder to wear a traditional holiday costume. (1970 Code, § 10-236)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER
1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.

CHAPTER 1

BUILDING CODE[1]

SECTION
12-101. Building code adopted.
12-102. Modifications.
12-103. Violations.

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code,[2] 1999 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (1970 Code, § 4-101, as amended by Ord. #53, Aug. 1988, modified)

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

[2]Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" it shall be deemed to be a reference to the mayor.

When the "Building Official" is named, it shall be deemed to mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the building code.

Whenever the building code refers to the "Board of Adjustments and Appeals," it shall be deemed to be a reference to the City Council of the City of Parsons.

The schedule of permit fees shall be one-half of the fees recommended in Appendix "B" provided, however, that the minimum fee for a permit shall be $5.00.

Sections 102.1, 102.2, 102.3, 102.4, 106.2, 111.2, and 111.3 are hereby deleted. (1970 Code, § 4-102)

12-103. 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. (1970 Code, § 4-103)

CHAPTER 2

PLUMBING CODE[1]

SECTION

12-201. Plumbing code adopted.
12-202. Modifications.
12-203. Violations.

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the Standard Plumbing Code,[2] 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1970 Code, § 4-201, as amended by Ord. #58, Aug. 1988, modified)

12-202. Modifications. Whenever the plumbing code refers to the "Chief Appointing Authority," it shall be deemed to be a reference to the mayor.

Whenever the "Plumbing Official," is named, it shall be deemed to mean such person as the mayor shall have appointed or designated to administer and enforce the provisions of the plumbing code.

Sections 102.1, 102.2, 102.3, 103.3, 104, 105, and 106 are hereby deleted. (1970 Code, § 4-202)

12-203. 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. (1970 Code, § 4-203)

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

[2]Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 3

ELECTRICAL CODE[1]

SECTION

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

12-301. Electrical code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,[2] 1999 edition, 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. (1970 Code, § 4-301, as amended by Ord. #58, Aug. 1988, modified)

12-302. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-302, modified)

12-303. Permit required for doing electrical work. No electrical work shall be done within the city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1970 Code, § 4-303)

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

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[1]Municipal code references
Electricity: title 19.
Fire protection, fireworks and explosives: title 7.

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

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1970 Code, § 4-304)

12-305. Enforcement. The electrical inspector shall be such person as the mayor shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1970 Code, § 4-305)

12-306. Fees. The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143, for electrical inspections by deputy inspectors of the state fire marshal. (1970 Code, § 4-306)

CHAPTER 4

GAS CODE[1]

SECTION

12-401. Gas code adopted.
12-402. Modifications.
12-403. Violations..

12-401. Gas code adopted. The Standard Gas Code, 1999 edition,[2] as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the gas code. (1970 Code, § 4-401 as amended by Ord. #58, Aug. 1988, modified)

12-402. Modifications. The schedule of permit fees shall be those recommended in Appendix "B."

Section 107 is hereby deleted. (1970 Code, § 4-402)

12-403. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the gas code as herein adopted by reference and modified. (1970 Code, § 4-404)

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[1]Municipal code reference
Gas: title 19.

[2]Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 5

HOUSING CODE

SECTION

12-501. Housing code adopted.
12-502. Modifications.
12-503. Available in recorder's office.
12-504. Violations.

12-501. Housing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,[1] 1997 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1970 Code, § 4-501, as amended by Ord. #58, Aug. 1988, modified)

12-502. Modifications. Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the mayor 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 mayor. Section 109 of the housing code is deleted. (1970 Code, § 4-502)

12-503. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1970 Code, § 4-503, modified)

12-504. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1970 Code, § 4-504)

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[1]Copies of this code (and any amendments) may be purchased from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

CHAPTER 6

MODEL ENERGY CODE[1]

SECTION

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

12-601. Model energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code,[2] 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

12-602. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Parsons . When the "building official" is named it shall, for the purposes of the energy code, mean such person as the city council shall have appointed or designated to administer and enforce the provisions of the energy code.

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

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[1]State law reference

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

Municipal code references

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

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

12-604. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars ($500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER
1. MISCELLANEOUS.
2. JUNKYARDS.
3. SLUM CLEARANCE.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Weeds.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-107. House trailers.

13-101. Health officer. The health officer of Decatur County is hereby designated as the health officer of the City of Parsons. He shall have the power and authority to administer and enforce all health and sanitation regulations within the city. (1970 Code, § 8-401)

13-102. 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. (1970 Code, § 8-405)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1970 Code, § 8-406)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property,

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[1]Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.

and it shall be unlawful for any person to fail to comply with an order by the city recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1970 Code, § 8-407)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1970 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1970 Code, § 8-409)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the city's zoning provisions and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1970 Code, § 8-404)

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. (1970 Code, § 8-410)

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[1]State 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).

CHAPTER 3

SLUM CLEARANCE[1]

SECTION

13-301. Findings of board.
13-302. Definitions.
13-303. "Public officer" designated; powers.
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13-308. Lien for expenses; sale of salvage materials; other powers not limited.
13-309. Basis for a finding of unfitness.
13-310. Service of complaints or orders.
13-311. Enjoining enforcement of orders.
13-312. Additional powers of public officer.
13-313. Powers conferred are supplemental.
13-314. Structures unfit for human habitation deemed unlawful.

13-301. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of mayor and aldermen finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #188, Dec. 2002)

13-302. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

(3) "Municipality" shall mean the City of Parsons, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

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

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[1]State law reference
Tennessee Code Annotated, title 13, chapter 21.

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

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #188, Dec. 2002)

13-303. "Public officer" designated; powers. The building inspector of the city is hereby designated and appointed a "public officer," to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #188, Dec. 2002)

13-304. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (as added by Ord. #188, Dec. 2002)

13-305. Orders to owners of unfit structures. If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupancy or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent [50%] of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #188, Dec. 2002)

13-306. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupancy or use is prohibited and unlawful." (as added by Ord. #188, Dec. 2002)

13-307. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #188, Dec. 2002)

13-308. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in Tennessee Code Annotated, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner

through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Decatur County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Parsons to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (as added by Ord. #188, Dec. 2002, and replaced by Ord. #302, May 2009)

13-309. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Parsons. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness. (as added by Ord. #188, Dec. 2002)

13-310. Service of complaints or orders. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by certified or registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed of record in the Register's Office of Decatur County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #188, Dec. 2002)

13-311. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (as added by Ord. #188, Dec. 2002)

13-312. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

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

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

(3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #188, Dec. 2002)

13-313. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #188, Dec. 2002)

13-314. Structures unfit for human habitation deemed unlawful. It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender, upon conviction, to a penalty of not less than ($2.00) dollars nor more than fifty ($50.00) dollars for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #188, Dec. 2002)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal-regional 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 city council selected by the city council; 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 the 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 city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, and he shall also have the power to remove any appointive member at his pleasure. (1970 Code, § 11-101)

14-102. Organization, rules, staff, and finances. The planning commission shall elect its chairman from 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 city council. (1970 Code, § 11-102)

14-103. Powers and duties. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of Tennessee Code Annotated. (1970 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the City of Parsons shall be governed by Ordinances #12 and 15, titled "Zoning Ordinance, Parsons, Tennessee," and any amendments thereto.[1]

[1]Ordinances #12 and 15, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

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

CHAPTER 1

MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. Reckless driving.
15-104. One-way streets.
15-105. Unlaned streets.
15-106. Laned streets.
15-107. Yellow lines.
15-108. Miscellaneous traffic-control signs, etc.
15-109. General requirements for traffic-control signs, etc.
15-110. Unauthorized traffic-control signs, etc.
15-111. Presumption with respect to traffic-control signs, etc.
15-112. School safety patrols.

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[1]Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

[2]State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-113. Driving through funerals or other processions.
15-114. Clinging to vehicles in motion.
15-115. Riding on outside of vehicles.
15-116. Backing vehicles.
15-117. Projections from the rear of vehicles.
15-118. Causing unnecessary noise.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Damaging pavements.
15-122. Bicycle riders, etc.
15-123. Weight regulations.
15-124. Statutes adopted by reference.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1970 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1970 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1970 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1970 Code, § 9-109)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as

close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1970 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1970 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1970 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.[1] It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1970 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,[2] and shall, as far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1970 Code, § 9-114, modified)

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[1]Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

[2]For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles 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. (1970 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1970 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1970 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1970 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1970 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1970 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1970 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1970 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1970 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1970 Code, § 9-125)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and

unobstructed to enable him to make the movement in safety. (1970 Code, § 9-126)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street unless he first posts a bond with the recorder. The bond shall be in such reasonable amount as the recorder deems necessary and shall indemnify the city for such damage as may be caused to the streets by such vehicle. (1970 Code, § 9-119)

15-122. 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 handlebars.

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. (1970 Code, § 9-127)

15-123. Weight regulations. No person shall operate any vehicle with a gross weight in excess of five (5) tons upon any street where signs have been erected limiting the gross weight of vehicles to five (5) tons. Vehicles whose gross weight exceeds five (5) tons may be operated on such streets for the purpose of delivering or picking up materials or merchandise, but only when the vehicle enters the street at the intersection nearest the destination of the vehicle and proceeds thereon no further than the nearest intersection after the destination. (1970 Code, § 9-128)

15-124. Statutes adopted by reference. Chapter 8 of title 55, Tennessee Code Annotated, entitled "Operation of Vehicles--Rules of the Road," is hereby adopted by reference as a part of this code and any violation of these rules is also a violation of this section. (1970 Code, § 9-129)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

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

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1970 Code, § 9-102)

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

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible 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. (1970 Code, § 9-103)

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[1]Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1970 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1970 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.
15-302. At intersections.
15-303. In school zones.
15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the speed limit shall apply. (1970 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1970 Code, § 9-202)

15-303. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle at a speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours. (1970 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1970 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.
15-402. Right turns.
15-403. Left turns on two-way roadways.
15-404. Left turns on other than two-way roadways.
15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.[1] (1970 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1970 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1970 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1970 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1970 Code, § 9-305)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1970 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1970 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1970 Code, § 9-403)

15-504. 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

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[1]Municipal code reference
Special privileges of emergency vehicles: title 15, chapter 2.

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. (1970 Code, § 9-405)

15-505. 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. (1970 Code, § 9-406)

15-506. 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 facing such signal shall not enter the roadway.

(4) Steady red with green arrow:

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

(b) Pedestrians facing such signal shall not enter the roadway.

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

such sign or marking the stop shall be made a vehicle length short of the signal. (1970 Code, § 9-407)

15-507. At flashing traffic-control signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1970 Code, § 9-408)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1970 Code, § 9-409)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1970 Code, § 9-501)

15-602. 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. (1970 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1970 Code, § 9-503)

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

(1) On a sidewalk.

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

(3) Within an intersection or within fifteen (15) feet thereof.

(4) Within fifteen (15) feet of a fire hydrant.

(5) Within a pedestrian crosswalk.

(6) Within fifty (50) feet of a railroad crossing.

(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.

(8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.

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

(10) Upon any bridge.

(11) Alongside any curb painted yellow or red by the municipality. (1970 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1970 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1970 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Disposal of abandoned motor vehicles.
15-706. Deposit of license in lieu of bail.
15-707. Violation and penalty.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the 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. (1970 Code, § 9-601)

15-702. 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. (1970 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1970 Code, § 9-603, modified)

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

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

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 it is otherwise lawfully disposed of. 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. (1970 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1970 Code, § 9-605)

15-706. Deposit of license in lieu of bail. Pursuant to the provisions of §§ 55-50-801--55-50-805, Tennessee Code Annotated, whenever any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, except those ordinances or statutes, the violation of which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the court in answer to such charge before the court. In carrying out the provisions of this section, all requirements of §§ 55-50-801 through 55-50-805, Tennessee Code Annotated, shall be met. (1970 Code, § 9-606, modified)

15-707. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars ($50.00) for each separate offense.

(2) Parking violations excluding handicapped parking. For parking violations, excluding handicapped parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars ($3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, his civil penalty shall be five dollars ($5.00). (1970 Code, § 9-603, modified)

CHAPTER 8

VEHICLE REGISTRATION

SECTION

15-801. Registration required.
15-802. Registration period.
15-803. Fees.
15-804. Partial fee.
15-805. Application, payment, receipt, and decal.
15-806. Affixing decal.
15-807. Registration not transferable.
15-808. Reporting of ownership transfers.
15-809. Exemptions.
15-810. Violations.
15-811. Use of revenues.

15-801. Registration required. Every motor vehicle licensed by the State of Tennessee and owned or regularly operated by a resident person, or an association, firm, or corporation with a place of business in the city, shall be registered with the city recorder. (1970 Code, § 9-701)

15-802. Registration period. Vehicle registration shall be the same as the state registration period and within five (5) days after purchase or commencement of regular operation, or within thirty (30) days if the vehicle is brought into the city by an owner that has moved to the city from another county or state, for any remaining portion of the registration period. (1970 Code, § 9-702)

15-803. Fees. Vehicles are classified and annual registration fees are imposed as follows:

Motorcycles and other two and three wheel self propelled vehicles	$2.00
Passenger automobiles, stationwagons, and one-half (½) ton pick-up trucks	$3.00
Delivery and pick-up trucks more than one-half (½) but less than one (1) ton	$4.00
Trucks one (1) ton or more	$5.00

(1970 Code, § 9-703)

15-804. Partial fee. The fee shall be one-half the annual registration fee if vehicle registration is made on a timely basis after the sixth month of the registration period. There shall not be any fee reduction if registration is not timely, as provided herein, and the full annual registration fee shall be collected. (1970 Code, § 9-704)

15-805. Application, payment, receipt, and decal. Registration shall be accomplished by completion of an application form, or other record, indicating the name and address of the owner, the vehicle description, year and current license number, and the city recorder shall enter the registration decal serial number thereon, receive fee payment, and issue a registration form or official receipt with the amount paid and decal number indicated thereon. (1970 Code, § 9-705)

15-806. Affixing decal. Registration shall not be completed until the registration decal is properly affixed inside the lower right portion of the front windshield of the vehicle for which issued, or in a prominent, visible place at the rear of any vehicle that does not have a windshield. (1970 Code, § 9-706)

15-807. Registration not transferable. Registration and registration decals shall not be transferred from one vehicle to another. Every registration decal shall remain affixed to the vehicle for which issued during the registration year, and when a registered vehicle is sold or purchased, the new owner shall have the vehicle properly registered in his name upon payment of one-half dollar (50¢) and recording his name and address with the city recorder. (1970 Code, § 9-707)

15-808. Reporting of ownership transfers. All persons, associations, firms, and corporations selling or transferring one or more motor vehicles within the city shall report the sale or transfer to the city recorder within five (5) days after such sale or transfer, giving the vehicle description, identification and/or license number and the name of the person to whom the transfer was made. (1970 Code, § 9-708)

15-809. Exemptions. Exempt from registration are vehicles owned by the State of Tennessee, agencies and political subdivisions thereof, vehicles owned by churches, nonresident natural persons that do not operate a business within the corporate limits, farm equipment and other vehicles not licensed by the state, and vehicles held solely for sale or new vehicle demonstration by a dealer or agency, parked on the business premises after business hours, and not otherwise used in the business operation or for personal use after business hours. (1970 Code, § 9-709)

15-810. Violations. Every vehicle registration violation shall be a misdemeanor, and upon conviction the fine shall be in accordance with the general penalty clause for this code. (1970 Code, § 9-710)

15-811. Use of revenues. Registration fees collected shall all be used to defray the cost of traffic safety enforcement, registration administration, public traffic safety programs, and the promotion of traffic safety through the installation of signs, signals, controls, markings, and other safety devices for regulating traffic on the public streets within the city. (1970 Code, § 9-711)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION
16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1970 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1970 Code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

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[1]Municipal code reference
Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1970 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1970 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council. (1970 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1970 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1970 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1970 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1970 Code, § 12-209)

16-110. Parades regulated. (1) It shall be unlawful for any person, organization, or group of people to parade or participate in any parade on any of the streets, sidewalks, alleys, or other public property in the City of Parsons, Tennessee, without first making application for a permit for such purpose, paying the fee therefor, and having said permit issued to them by the recorder.

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[1]Municipal code reference
Building code: title 12, chapter 1.

(2) Any person, organization, or group of people desiring to parade upon any of the streets, sidewalks, alleys, or other public places in the city shall first make application, in writing, to the recorder for a permit for said purpose. The application shall state the time, place, purpose, and approximate number of persons, vehicles, and/or other items proposed to be used. It shall also state what precautions if any are proposed to be taken in order to safeguard the participants thereof and the public in general and how the parade is to be regulated so as not to interfere unreasonably with traffic, persons, or property. The application shall be accompanied by a fee of $5.00 payable to the City of Parsons, Tennessee.

(3) The recorder shall review the application and determine whether or not the parade will interfere with the proper use of the streets, sidewalks, alleys and other public places used by other citizens, or cause traffic congestion or any other condition which will constitute a nuisance, or otherwise be detrimental to the operation of the city and the inhabitants thereof. Should the recorder find that the parade will not create a nuisance, cause traffic hazards, or otherwise improperly interfere with the operation of the city and the use of the streets, sidewalks, alleys, and public places by the citizens, he shall issue a permit therefor. Should the recorder find that the parade as proposed would cause a nuisance, hazard to traffic, or would improperly interfere with the reasonable use of the streets, sidewalks, alleys, or other public property where such parade is to be held, he shall refuse to issue the permit. In the event the recorder refuses to issue such permit, the applicant may request a public hearing on the application before the city council, such public hearing to be set by the mayor on a date not less than five nor more than fifteen days after the permit refusal by the recorder. Notice of the hearing shall be published in a newspaper in Parsons, Tennessee, notifying the general public of the date, time, place and purpose thereof. At the hearing the city council may consider evidence in support of the application and any protest thereto and shall render its decision in writing, whether allowing or disallowing the permit, and if the permit is allowed shall order the recorder to issue the same forthwith. Any person aggrieved by the decision of the city council may appeal the decision to the Circuit Court of Decatur County, Tennessee.

(4) Any person, organization, or group of people who parade or attempt to parade in the City of Parsons without first obtaining a permit shall be arrested, and upon conviction shall be fined under the general penalty clause for this code.

(5) A parade shall be defined as one or more persons assembling on foot or in vehicles for the purpose of display, or attempting to march, walk, ride, or move in any way through the streets, sidewalks, alleys, or public places in the City of Parsons, Tennessee, in groups, formations, lines, processions, or in any other organized or unorganized manner so as to draw attention thereto, obstruct or hinder traffic, or demonstrate for any cause or purpose. (1970 Code, § 12-210)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1970 Code, § 12-212)

16-112. 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. (1970 Code, § 12-213)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1970 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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[1]State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1970 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars ($2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents ($.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. (1970 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. 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 recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1970 Code, § 12-104)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1970 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for 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 recorder shall give notice to the person, firm, corporation, association,

or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1970 Code, § 12-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1970 Code, § 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1970 Code, § 12-108)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1970 Code, § 12-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. 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. (1970 Code, § 12-110)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

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, and 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. (1970 Code, § 8-101)

17-102. Premises to be kept clean. All persons within the City of Parsons 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. (1970 Code, § 8-102)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall

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[1]Municipal code reference
Property maintenance regulations: title 13.

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. (1970 Code, § 8-103)

17-104. Location of containers. Where alleys are used by the city's refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where streets are used by the city refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. (1970 Code, § 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. (1970 Code, § 8-105)

17-106. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the mayor shall designate. Collections shall be made regularly in accordance with an announced schedule. (1970 Code, § 8-106)

17-107. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1970 Code, § 8-107)

17-108. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (1970 Code, § 8-108)

TITLE 18

WATER AND SEWERS[1]

CHAPTER
1. WATER.
2. SEWERS.
3. WASTEWATER REGULATIONS.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.
5. CROSS CONNECTIONS ORDINANCE.
6. GREASE CONTROL PROGRAM.

CHAPTER 1

WATER

SECTION
18-101. Application and scope.
18-102. Definitions.
18-103. Obtaining service.
18-104. Application and contract for service.
18-105. Service charges for temporary service.
18-106. Connection charges.
18-107. [Deleted.]
18-108. Main extensions.
18-109. Variances from and effect of preceding rules as to extensions.
18-110. Meters.
18-111. Meter tests.
18-112. Schedule of rates.
18-113. Multiple services through a single meter.
18-114. Billing.
18-115. Discontinuance or refusal of service.
18-116. Re-connection charge.
18-117. Termination of service by customer.
18-118. Access to customer's premises.
18-119. Inspections.
18-120. Customer's responsibility for system's property.
18-121. Customer's responsibility for violations.
18-122. Supply and resale of water.
18-123. Unauthorized use or interference with water supply.

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[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-124. Limited use of unmetered private fire line.
18-125. Damages to property due to water pressure.
18-126. Liability for cutoff failures.
18-127. Restricted use of water.
18-128. Interruption of service.

18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1970 Code, § 13-101)

18-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1970 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1970 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract and pay a water tap fee (if no tap exists), and a service connection fee, before service is supplied. The service tap and connection fee shall be refundable if and only if the city cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, the customer shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1970 Code, § 13-104, as replaced by Ord. #195, Feb. 2003)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1970 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

The water tap fee for customers inside city limits shall be $300.00, and for customers outside the city limits but inside the City of Parsons Urban Growth Area shall be $500.00, and for customers outside the city limits and outside the City of Parsons Urban Growth Area shall be $600.00. The service connection fee for all customers shall be $40.00.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

Upon application for water service a prospective customer shall pay a deposit according to the following schedule.

Homeowner: No deposit required

Non-owner occupied residential: equal to three (3) months estimated usage

Owner/commercial: No deposit required

Non-owner commercial: equal to three (3) months estimated usage

Deposits will be returned to customers via a credit to their utility bill after establishing a twenty-four (24) month good payment record. A good payment record may be established by meeting the following criteria:

(1) During the twenty-four (24) consecutive months that the service was provided, the customer did not have more than two (2) bills that were delinquent; and

(2) Did not have a service disconnected for nonpayment of a bill for services rendered; and

(3) Did not have a check returned to the city by a bank for insufficient funds. (1970 Code, § 13-106, as replaced by Ord. #195, Feb. 2003, and Ord. #222, Jan. 2005, and amended by Ord. #342, Oct. 2012)

18-107. [Deleted]. (1970 Code, § 13-107, as deleted by Ord. #195, Feb. 2003)

18-108. Main extensions. Persons desiring water main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer licensed in the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons or entities paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains and to payment of appropriate rates and fees. (1970 Code, § 13-108, as replaced by Ord. #195, Feb. 2003)

18-109. Variances from and effect of preceding rules as to extensions. Whenever the city council is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with § 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the council.

The authority to make water main extensions under § 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (1970 Code, § 13-109, as replaced by Ord. #195, Feb. 2003)

18-110. Meters. All meters shall be installed, tested, repaired, and removed only by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1970 Code, § 13-110)

18-111. Meter tests. The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be

considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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

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

Meter Size	Test Charge
5/8", 3/4", 1"	$2.00
1-1/2", 2	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1970 Code, § 13-111)

18-112. Schedule of rates. All water furnished by the city shall be measured or estimated in gallons to the nearest multiple of 1,000 and shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.[1] (1970 Code, § 13-112)

18-113. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the

[1]Administrative ordinances and resolutions are of record in the recorder's office.

dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1970 Code, § 13-113)

18-114. Billing. Bills for residential service will be rendered monthly.

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

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

A late payment charge of ten (10%) percent of the net rate shall be added to the net rate to obtain the gross rate.

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

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

Water leak adjustments may be made in the event of a leak that a customer cannot control, such as a pipe breaking. Such adjustments shall be limited to twenty-five (25%) percent of the net bill and a customer shall not receive more than one adjustment within a 12 month period. In order to qualify for an adjustment, the amount of usage must exceed two hundred (200%) percent of their average net bill for the twelve (12) month period preceding the date of the bill to be adjusted.

When a water leak adjustment is made, the customer shall also receive an adjustment to the sewer billed on the adjusted water bill, so that the amount

charged for such sewer shall be equal to the average charge for sewer service for the preceding twelve (12) months. (1970 Code, § 13-114, as replaced by Ord. #195, Feb. 2003, and Ord. #222, Jan. 2005)

18-115. Discontinuance or refusal of service. (1) Basis of termination and refusal. The city may discontinue service or refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations.

(b) The customer's application for service.

(c) The customer's contract for service.

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

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of water service according to the following terms and conditions:

(a) When a customer's bill is 2 months late, the customer shall be cut off for non-payment.

(b) Written notice of termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cut-off notice shall specify the reason for the cut-off, and

(i) The amount due, including other charges.

(ii) The last date to avoid service termination.

(iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(c) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If the customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(d) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 5:00 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(e) Termination will not be made on any preceding day when the water and sewer department is scheduled to be closed.

(f) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the water department, the same shall proceed on schedule with service termination.

(g) Any reconnection shall be made during regular business hours. (1970 Code, § 13-115, as replaced by Ord. #195, Feb. 2003)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, in addition to payment of all charges due, a re-connection charge of forty dollars ($40.00) shall be collected by the city before service is restored. (1970 Code, § 13-116, as replaced by Ord. #195, Feb. 2003)

18-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1970 Code, § 13-117)

18-118. Access to customer's premises. The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing,

inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1970 Code, § 13-118)

18-119. Inspections. The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1970 Code, § 13-119)

19-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1970 Code, § 13-120)

18-121. Customer's responsibility for violations. Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1970 Code, § 13-121)

18-122. Supply and resale of water. All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1970 Code, § 13-122)

18-123. Unauthorized use or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1970 Code, § 13-123)

18-124. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire

hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1970 Code, § 13-124)

18-125. Damages to property due to water pressure. The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1970 Code, § 13-125)

18-126. Liability for cutoff failures. The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances.

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.

(2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1970 Code, § 13-126)

18-127. Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1970 Code, § 13-127)

18-128. Interruption of service. The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such

emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1970 Code, § 13-128)

CHAPTER 2

SEWERS[1]

SECTION

18-201. Use of system regulated.
18-202. Permit and supervision required for connecting to system.
18-203. Connection fee.
18-204. Installation of lateral lines, etc.
18-205. Sewer service charges.
18-206. Extension policies.
18-207. Sewer rate schedule adopted.
18-208. One time sewer adjustment.

18-201. Use of system regulated. All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the city council. (1970 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the city recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1970 Code, § 13-202)

18-203. Connection fee. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city recorder a sewer connection fee in the sum of $50.00.

Upon application for sewer service a prospective customer shall pay a deposit according to the following schedule.

Homeowner: No deposit required

Non-owner occupied residential: equal to three (3) months estimated usage

Owner/commercial: No deposit

Non-owner commercial: equal to three (3) months estimated usage

Deposits will be returned to customers via a credit to their utility bill after establishing a twenty-four (24) month good payment record. A good payment record may be established by meeting the following criteria:

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[1]Municipal code reference
Plumbing code: title 12.

(1) During the twenty-four (24) consecutive months that the service was provided, the customer did not have more than two (2) bills that were delinquent; and

(2) Did not have a service disconnected for nonpayment of a bill for services rendered; and

(3) Did not have a check returned to the city by a bank for insufficient funds. (1970 Code, § 13-203, as amended by Ord. #343, Oct. 2012)

18-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted the city shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the city and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1970 Code, § 13-204)

18-205. Sewer service charges. Sewer service charges shall be collected from the person billed for water service to any premises with an accessible sanitary sewer. The sewer service charge shall be fifty percent (50%) of the water service charge and shall be added to and combined with the water service charge. Both charges shall be collected as a unit; no city employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill. (1970 Code, § 13-205)

18-206. Extension policies. Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six-inch cement-lined cast iron pipe is specified for water purposes, an eight-inch pipe of salt glazed vitrified clay or other construction approved by the city council shall be substituted for sewer purposes. (1970 Code, § 13-206)

18-207. Sewer rate schedule adopted. (1) Residential customers, inside the city limits of Parsons, Tennessee. Sewer will be set at 80% of water before plant fee of 10% this will be a 5% reduction in fees.

(2) Commercial customers, inside the city limits of Parsons, Tennessee. Sewer will be set at 95% of water before plant fee of 10% this will be a 5% reduction in fees.

(3) Industrial customers, inside the city limits of Parsons, Tennessee. Sewer will be set at 95% of water before 10% plant fee this will be a 5% reduction in fees. (as added by Ord. #218, Aug. 2004, and amended by Ord. #354, March 2014)

18-208. <u>One time sewer adjustment</u>. (1) Customers requesting the one time sewer adjustment must fill out an application and submit a copy of the invoice for the new pool or new pool liner to request this adjustment.

(2) The credit will be calculated from the dimensions on the submitted invoice. (as added by Ord. #220, Nov. 2004)

CHAPTER 3

WASTEWATER REGULATIONS

SECTION

18-301. General provisions.
18-302. Use of public sewers.
18-303. Private wastewater disposal.
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18-305. Pollutant discharge limits.
18-306. Pretreatment program administration.
18-307. Fees.
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18-301. General provisions. (1) Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Parsons and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR 403).

The objectives to this chapter are:

(a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) To provide for equitable distribution of the cost of the municipal wastewater system.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users, enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Parsons and to persons outside the city who are, by contract or agreement with the city, users of the city's publicly owned treatment work (POTW). Except as otherwise provided herein, the

superintendent of the city POTW shall administer, implement and enforce the provisions of this chapter.

(2) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(a) "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.

(b) "Approval authority." The Tennessee Department of Environment and Conservation, Division of Water Pollution Control and/or any authorized representative thereof.

(c) "Approved POTW pretreatment." A program administered by a POTW that meets the criteria established in regulation (§§ 403.8 and 403.9) and which has been approved by a regional administrator or state director in accordance with § 403.11 of this regulation.

(d) "Authorized representative." An authorized representative of a user may be:

(i) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation,

(ii) A general partner or proprietor if the user is a partnership or proprietor, respectively;

(iii) 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.

An authorized representative of the city may be any person designated by the city to act on its behalf.

(e) "Available." As used in connection with this chapter means a public sewer located at the property line or point at which connection may be made with the city sanitary sewage collection facilities.

(f) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20^0 Centigrade expressed in terms of weight and concentration in milligrams per liter (mg/l).

(g) "Building sewer." The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

(h) "Building sewer permit." As set forth in "Building sewers and connections" (§ 18-304).

(i) "Categorical standards." National Categorical Pretreatment Standards or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.

(j) "City." The City of Parsons, its mayor and board of aldermen, or the superintendent of the POTW or his/her designer.

(k) "Combined sewer." Any conduit carrying both sanitary sewage and storm water or surface water.

(l) "Compatible pollutant." Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus additional pollutants that the POTW is designed to treat and, in fact, does treat to the degree required by the POTW's NPDES permit.

(m) "24-hr., Flow proportional composite sample." A combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

(n) "Control authority." The term shall refer to the "approval authority" defined hereinabove; or the superintendent of the POTW or his/her designer if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(p) "County health department." The health department for Decatur County.

(q) "Dilution stream." Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, Subchapter N.

(r) "Direct discharge." The discharge of treated or untreated wastewaters directly to the waters of the State of Tennessee.

(s) "Director." The chief administrative officer of a state or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the act and an approved state pretreatment program.

(t) "Easement." An acquired legal right for the specific use of land owned by others.

(u) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or his/her duly authorized representative of said agency.

(v) "Equipment." All movable, non-fixed items necessary to the wastewater treatment process.

(w) "Federal pretreatment standards." Federal regulations for pretreatment of industrial wastewater under 40 CFR, Subchapter N and any applicable regulations, as amended.

(x) "Garbage." The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

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

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

(aa) "Incompatible pollutant." All pollutants other than compatible pollutants as defined in this section.

(bb) "Indirect discharge." The discharge or the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

(cc) "Industrial user." A source of indirect discharge.

(dd) "Industrial waste." The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.

(ee) "Interceptor." A device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from domestic wastes while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

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

(gg) "Maximum daily concentration." The maximum concentration per day of a pollutant based on the analytical results obtained from a 24-hour composite sample.

(hh) "May." This is permissive.

(ii) "National Pollutant Discharge Elimination System" or "NPDES Permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332).

(jj) "National Pollutant Discharge Elimination System" or "NPDES State." A state (as defined in 40 CFR § 122.2) or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

(kk) "Natural outlet." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

(mm) "Operation and maintenance expenses." All annual operation and maintenance expenses including replacement cost related directly to operating and maintaining the sewage works as shown by annual audit.

(nn) "Pass through." A discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(oo) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity of any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(pp) "pH." The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

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

(ss) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

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

(uu) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a significant industrial user.

(vv) "Prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

(ww) "Properly shredded garbage." The wastes from the preparation, cooking and dispensing of food that has 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 ½ inch in any dimension.

(xx) "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this chapter "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the jurisdiction of the city who are users to the city's POTW.

(yy) "Public sewers." A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

(zz) "Replacement." Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(aaa) "Sanitary sewer." A sewer that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

(bbb) "Sewage." The spent water of a community. Domestic or sanitary waste shall mean the liquid or waterborne wastes from residences, commercial buildings and institutions and is distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

(ccc) "Sewage system" or "works." All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

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

(eee) "Sewer user charges." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

(fff) "Shall." This is mandatory.

(ggg) "Significant industrial user." Any user of the city's wastewater disposal system who:

(i) Is subject to a categorical pretreatment standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or

(ii) Has a discharge flow of 25,000 gallons or more per average work day; or

(iii) Has a flow greater than 5 percent of the flow in the city's wastewater treatment system; or

(iv) Has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or

(v) Is found by the city, state approval authority or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(hhh) "Significant violation." A violation that meets one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(ii) Technical Review Criteria (TRC) - Violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(vii) Failure to accurately report noncompliance;

(viii) Any other violation or group of violations which the superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(iii) "Slug discharge." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

(jjj) "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.

(kkk) "State." The State of Tennessee.

(lll) "Storm drain" or "storm sewer." A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

(mmm) "Submission." (i) A request by a POTW for approval of a pretreatment program to the EPA or a director;

(ii) A request by a POTW to the EPA or a director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or

(iii) A request to the EPA by an NPDES state for approval of its state pretreatment program.

(nnn) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ooo) "Superintendent." The superintendent of wastewater facilities, and/or of wastewater treatment works and/or of water pollution control for the City of Parsons or his/her authorized deputy, agent or representative.

(ppp) "Surcharge." A charge for service in addition to the basic sewer user and debt service charge, for those users whose contribution contains biochemical oxygen demand (BOD), chemical oxygen demand (COD), suspended solids (SS) or ammonia nitrogen ($N\text{-}NH_3$) in concentrations which exceed limits specified herein for such pollutants.

(qqq) "Suspended solids (TSS)." Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as

prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(rrr) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307(a) or other Acts.

(sss) "Unpolluted water." Water of quality equal to or better than the treatment works effluent criteria in effects or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(ttt) "User." Any person who contributes, causes or permits the contribution of wastewater into the POTW. See definition of person.

(uuu) "User charge." The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

(vvv) "Wastewater." The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes. See Sewage.

(www) "Wastewater discharge permit." As set forth in the administration section of this chapter.

(xxx) "Wastewater facilities." The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(yyy) "Wastewater treatment works." An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as "waste treatment plant" or "sewage treatment plant."

(zzz) "Watercourse." A natural or artificial channel for the passage of water either continuously or intermittently.

(aaaa) "Waters of the state." All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(3) Abbreviations. The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
CWA - Clean Water Act of 1979
EPA - Environmental Protection Agency
l - liter

mg/l	- milligram per liter (parts per million)
µg/l	- micron per liter (parts per billion)
NPDES	- National Pollutant 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. #1991- ____, Feb. 1997)

18-302. Use of public sewers. (1) Mandatory sewer connection.

(a) The owner(s) 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 the owner's 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 thirty (30) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of this property line.

(b) 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 wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private wastewater Disposal" (§ 18-303). The existence within the city, wherever the services of the city sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available, of septic tanks, seepage laterals, privies, earth pits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes other than the facilities of the city, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the city and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in said city where the facilities of the city's sewage collection, treatment and disposal system are available or may hereafter be made available is similarly declared to be a menace to the public health and general welfare of the city and its inhabitants, unless such facilities are connected to the city sewage collection, treatment and disposal system. The superintendent may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and

inspected by an authorized and qualified agent of the city sewer department.

(c) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(2) Unlawful discharge to storm sewers or natural outlets. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Parsons or in any area under the jurisdiction of said city or into any sewer which connects to the storm sewer system of the City of Parsons, any objectionable wastewater or industrial wastes.

(b) It shall be unlawful to discharge to any natural outlet within the City of Parsons or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(3) Compliance. Compliance with local, state and federal laws. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

(4) Discharge of unpolluted waters into sewer. (a) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(b) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved

by the superintendent. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(c) The owner(s) of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(5) Substances which interfere. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall a wastestream exhibit a closed cup flashpoint of less than 140 degrees fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. 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 any other substances which have a closed cup flashpoint of 140 degrees Fahrenheit (60 Centigrade) or less, and any substance which the city, state or EPA has notified the user is a fire hazard to the sanitary sewer system.

(b) Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(c) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(d) Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

(e) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 104 degrees Fahrenheit (40^0 C).

(f) Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(g) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum to be

unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal, developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.

(h) Any substance which causes the POTW to violate its NPDES permit, sludge disposal permit or the water quality standards of the receiving stream.

(i) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(j) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety.

(k) Any trucked or hauled pollutants, except at discharge points designated by the superintendent. (Ord. #1991-__, Feb. 1997)

18-303. Private wastewater disposal. (1) Public sewer not available.

(a) Where a public sanitary sewer is not available under the provisions of § 18-302 of this chapter, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary, the sludge may be disposed of only as approved by the city, by operators licensed by the city for such purposes.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by applicable local, state or federal regulations.

(d) Industries with current NPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

(2) Requirements for installation. (a) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Decatur County Health Department after approval of the system by the local and state authorities if required. The application for such permit shall be made on a form furnished by the Decatur County

Health Department which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Decatur County Health Department.

(b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. These authorities shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. (Ord. #1991-___, Feb. 1997)

18-304. Building sewers and connections. (1) Permits. (a) There shall be two (2) classes of building sewer permits required;

(i) For residential and

(ii) For service to commercial, industrial and other nondomestic establishments.

In either case, the owner or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent or his agent. Details regarding commercial and industrial permits include but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

(b) Users shall notify the superintendent of the POTW of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The superintendent may deny or condition this new introduction or change based upon the information submitted in the notification.

(2) Prohibited connections. No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way 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. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within sixty (60) days of the effective date of this chapter. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources or ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

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

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

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

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

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

(e) Building sewers shall be constructed only of:

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

(ii) Ductile iron pipe with compression joints;

(iii) Polyvinyl chloride pipe with solvent welded or with rubber compression joints of approved type; or

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

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

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

(h) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary

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

(4) Inspection. The applicant for the building sewer permit shall notify the superintendent when the building is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(5) Maintenance. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (Ord. #1991- ___, Feb. 1997)

18-305. Pollutant discharge limits. (1) General conditions. The following described substances, materials, waters, or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(2) Restricted discharges. (a) Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradeable cutting oils, or products of mineral oil origin.

(b) Wastewater from industrial plants, commercial business or other non-domestic connections containing floatable oils, fat, or grease, whether emulsified or not, in excess of 50 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0-65^0 C).

(c) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens

for the purpose of consumption on the premises or when served by caterers.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interactions with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a federal pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state and/or federal regulations.

(f) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(g) Any wastewater with objectionable color not removable in the POTW.

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW.

(i) Any water or wastes which has characteristics based on a 24-hour composite sample, grab, or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Daily Maximum Allowable Concentration Without Surcharge
BOD	200 mg/l
COD	400 mg/l
TSS	200 mg/l
Nitrogen (Total Kjeldahl)	35 mg/l

Discharges greater than these concentrations will be subject to surcharge fees contained in the sewer rate ordinance for the City of Parsons.

(j) The city has received authority through U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR

403. All users shall comply with the requirements of those regulations as well as with all sections of this chapter.

(k) Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of such discharge to the superintendent of the POTW. This notification must include the name of the waste, EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence. The superintendent may deny or condition this discharge at any time.

(l) The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system. All industrial users must comply with these limitations:

Parameter	Maximum Daily Concentration
Oil & Grease, total	100 mg/l
pH	6 to 9
Cadmium, total	0.0486 mg/l
Chromium, total	2.6593 mg/l
Copper, total	0.6868 mg/l
Cyanide, total	0.1020 mg/l
Lead, total	0.1356 mg/l
Mercury, total	0.0271 mg/l
Nickel, total	2.3976 mg/l
Zinc, total	2.1700 mg/l
Silver, total	0.0274 mg/l
Phenols, total	2.7125 mg/l

(3) Dilution of wastewater discharge. 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 for any other pollutant-specific limitations developed by the city or the State of Tennessee.

(4) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable oils and/or greases in excessive amounts, or any flammable wastes, sand or other

harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Decatur County Health Department.

(5) Special industrial pretreatment requirements. (a) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under 40 CFR Subchapter N and 40 CFR 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this chapter. Any industrial waste discharge which violates these EPA pretreatment standards shall be in violation of this chapter.

(b) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(c) Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the superintendent. All persons receiving such permission shall abide by all applicable provisions of this chapter and any other special provisions that may be established by the superintendent as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer shall pay fees for such discharge in accordance with a fee schedule established by the superintendent and approved by the city. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer systems except at points of discharge designated by the superintendent for such purposes. Any liquid waste hauler shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in § 18-310. Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with county health department, state or federal regulations.

(6) Protection from accidental and slug discharges. (a) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two (2) years the superintendent will determine whether each significant industrial user needs to develop a plan to control slug discharges. If the superintendent decides that a slug control plan is needed, the plan shall contain the following:

(i) Description of discharge practices,
(ii) Description of stored chemicals,
(iii) Procedures for notifying the POTW,
(iv) Prevention procedures for spills.

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken.

(b) Within five (5) days following an accidental and/or slug discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this section, the enforcement response plan or other applicable law or regulation.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such dangerous discharges to occur are advised of the emergency notification procedures.

(7) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal regulations and limitations or those in this chapter.

(8) City's right to revision. The city reserves the right to establish, by a majority vote of its commissioners, more stringent limitations or requirements on discharges to the POTW at the recommendation of the superintendent or if deemed necessary to comply with the objectives presented in this chapter.

(9) Federal categorical pretreatment standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately

supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. (Ord. #1991-___, Feb. 1997)

18-306. Pretreatment program administration. (1) Wastewater discharges. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter. Any agency and/or industries outside the jurisdiction of the city that wish to contribute wastewaters to the POTW must first sign (through an authorized representative) an interjurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this chapter, state and federal regulations. An industrial user discharge permit may then be issued by the superintendent in accordance with subsection (2) of this section.

(2) Industrial user discharge permits. (a) General. All significant industrial users proposing to connect to or contribute to the POTW shall obtain an industrial user discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an industrial user discharge permit within thirty (30) days of the effective date of this chapter.

(b) Permit application. Users required to obtain an industrial user discharge permit shall complete and file with the city an application in the form prescribed by the city. Existing users shall apply for an industrial user discharge permit within thirty (30) days of the effective date of this chapter, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information, in addition to any other information the superintendent may desire:

(i) Name, address and location of facility, and owner(s) if different from that given;

(ii) SIC number(s) according to the Standard Industrial Classification Manual, Office of Management and Budget, 1972, as amended;

(iii) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended and 40 CFR 261;

(iv) Time and duration of contribution;

(v) Daily average and maximum wastewater flow rates, including daily, monthly and seasonal variations if any;

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

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

(viii) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(ix) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule.

(A) The schedule must be acceptable to the city.

(B) The schedule shall contain increments of progress in the from of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established.

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

(xi) Type and amount of raw materials processed (average and maximum per day);

(xii) Number of employees and hours of operation of plant and proposed or actual hours of operation of the pretreatment system;

(xiii) A copy of the industry's written environmental control program, comparable document or policy;

(xiv) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(c) Issuance of industrial user discharge permit. The superintendent shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the superintendent may issue and industrial user discharge permit subject to the terms and conditions provided herein.

(3) Permit modifications. Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the industrial user discharge permit of any user subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by such standard. Where a user subject to federal categorical pretreatment standards has not previously submitted an application for an industrial user discharge permit as required, the user shall apply for the permit within ninety (90) days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing industrial user discharge permit shall submit to the superintendent within ninety (90) days of the date of promulgation of an applicable federal categorical pretreatment standard the information required by this chapter.

(4) Permit conditions. (a) Industrial user discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer system;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(iv) Requirements for installation and maintenance of inspection and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling to be performed, types and standards of analysis and reporting schedules;

(vi) Compliance schedule(s);

(vii) Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the city for a minimum of three (3) years, and afford city access thereto;

(viii) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system;

(ix) Requirements for notification of slug discharges;

(x) Requirements for the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the superintendent and deemed necessary by the city to verify that the user is in compliance with the said permit;

(xi) Statement of duration (in no case more than five years);

(xii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(xiii) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

(xiv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in part 403 of this chapter, categorical pretreatment standards, local limits, and state and local law;

(xv) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(xvi) Any other conditions as deemed appropriate by the superintendent and/or the city to ensure compliance with this chapter.

(b) Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the superintendent. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted average formula given in 40 CFR 403.6(e). Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the superintendent thirty (30) days in advance of any change in production levels that might effect the flow or other data used to calculate the effluent limits in the discharge permit.

(5) Permit duration. Industrial user discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The

user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements identified in § 18-305 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time frame for compliance.

(6) Permit transfer. Industrial user discharge permits are issued to a specific user for a specific operation. An industrial user discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without, at a minimum, a thirty-day prior notification of the change to the superintendent and provision of a copy of the existing permit to the new owner. The superintendent may deny the transfer of the permit if it is deemed necessary to comply with all provisions of this chapter.

(7) Reporting requirements for permittees. (a) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to federal categorical pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process or processes which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards and requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment equipment and time schedule are necessary to bring the user into compliance with the applicable categorical standard or requirement. This statement shall be signed by an authorized representative of the user.

(b) Periodic compliance reports. (i) All significant industrial users shall submit to the superintendent during the months of June and December, unless required more frequently by a pretreatment standard, or the industrial user discharge permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the industrial user discharge permit. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent

may agree to alter the months during which the above reports are to be submitted.

(ii) All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the U.S. EPA. Sampling shall be performed in accordance with techniques approved by the U.S. EPA.

(iii) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA.

(iv) All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12 (0) (2).

(c) Baseline monitoring reports. (i) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in paragraph (ii) below. At least ninety (90) days prior to commencement of their discharge, new sources, and courses that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in paragraph (ii) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(ii) The industrial user shall submit the information required by this section including:

(A) Identifying information. The name and address of the facility including the name of the operator and owners.

(B) Wastewater discharge permits. A list of any environmental control wastewater discharge permits held by or for the facility.

(C) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(D) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(E) Measurement of pollutants.

(1) Identify the categorical pretreatment standards applicable to each regulated process.

(2) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (7)(b) of this section.

(3) Sampling must be performed using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the superintendent may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(4) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(F) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis--and, if not, whether additional operation and maintenance (O&M)

and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(G) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (2)(b)(ix) of this section.

(H) All baseline monitoring reports must be signed and certified in accordance with subsection (10) of this section.

(iii) All new sources of industrial discharge must be in compliance with all provisions of this chapter prior to commencement of discharge.

(d) Notification of the discharge of hazardous waste. (i) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (4)(b) above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsection (7)(c), above.

(ii) Dischargers are exempt from the requirements of paragraph (i) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15)

kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(iii) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(iv) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(8) Permit violations. All significant industrial users must notify the superintendent within 24 hours of first becoming aware of a spill. This notification shall include the date of the violation, the parameter violated and the amount in exceedance. Within 30 days of first becoming aware of a permit violation, the significant industrial user must resample for the parameter(s) violated and submit this sample analysis to the superintendent, unless the superintendent, on behalf of the city, conducts monitoring of this parameter within that 30-day period.

(9) Monitoring requirements. (a) The city shall require significant industrial users to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications.

Construction shall be completed within ninety (90) days following approval of the location plans and specifications.

(b) All sampling analyses done in accordance with approved U.S. EPA procedures by the significant industrial user during a reporting period shall be submitted to the superintendent, regardless of whether or not that analysis was required by the user's discharge permit.

(c) The significant industrial user must receive the approval of the superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(10) Certification statement. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments where prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(11) Inspection and sampling. The superintendent shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copying and examination of records or in the performance of their duties. "Reasonable times" shall include any time during which the user is discharging to the public sewer system and/or operating any manufacturing process. The city, approval authority and U.S. EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto their premises, the user shall make the necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and U.S. EPA will be permitted to enter, without delay, for the purpose of performing their specific duties.

(12) Pretreatment. (a) All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable federal categorical pretreatment standards within the time limits as specified by the federal

pretreatment regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any significant industrial user that is not meeting discharge limits established in the user's industrial user discharge permit. Any facilities required to retreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the superintendent for review, and shall be acceptable to the superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the change.

(b) The city is required by federal regulations to keep the public informed of all cases of significant violations. To accomplish this, the city shall annually publish in a newspaper of local circulation a list of the users which were in significant noncompliance with any pretreatment requirements or standards. Significant noncompliance is any significant violation that meets one or more of the following conditions:

(i) Results in the exercise of emergency authority by the superintendent;

(ii) Remains uncorrected 45 days after notice of noncompliance is given;

(iii) Involves failure to report noncompliance accurately;

(iv) Wastewater violations:

(A) Chronic violations-- Sixty-six percent (66%) or more of all measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations-- Thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during six-month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);

(C) Any violation of a pretreatment effluent limit that the superintendent believes has caused alone or in combination with other discharges, interference or pass-through or has endangered the health of the POTW personnel or the public;

(D) Any discharge causing imminent endangerment to human health or to the environment or resulting in the superintendent's use of his emergency authority to halt or prevent such a discharge;

(E) Violations of compliance schedule milestones failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;

(F) Failure to provide required reports within 30 days of the due date;

(G) Failure to accurately report noncompliance;

(H) Any violation or group of violations which the superintendent determines will adversely effect the operation or implementation of the local pretreatment program. The public notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to the pretreatment program of the city shall be made available to officials of the U.S. EPA or approval authority upon request. All records shall be maintained for a minimum of three (3) years in accordance with 40 CFR 403.12(o)(2).

(13) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES permit, and/or the pretreatment program upon request of the agency. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the persons furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. #1991- __, Feb. 1997)

18-307. Fees. (1) Purpose. This section provides for the recovery of costs from users of the POTW for the implementation and conduct of the pretreatment program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

(2) Charges and fees. The city may adopt charges and fees which may include the following:

(a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(b) Fees for monitoring, inspections and surveillance procedures;

(c) Fees for reviewing accidental discharge procedures and construction;

(d) Fees for permit application;

(e) Fees for filing appeals;

(f) Fees for consistent removal by the POTW of excessive strength conventional pollutants;

(g) Other fees as the city may deem necessary to carry out the requirements contained in this chapter;

(h) Fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(i) Charges shall be comprised for a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs. (Ord. #1991-__, Feb. 1997)

18-308. Powers and authority of inspectors. (1) Right to enter premises. The superintendent and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this chapter.

(2) Right to obtain information regarding discharge. Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(3) Access to easements. Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(4) Safety. While performing the necessary work on private properties referred to in subsection (1) of this section, all duly authorized employees of the

city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter. (Ord. #1991-___, Feb. 1997)

18-309. Enforcement. (1) General. The city through the superintendent or his designer, to insure compliance with this chapter, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the superintendent include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the superintendent of the POTW or his/her designer.

All violations of requirements of this chapter must be reviewed and responded to by the superintendent or his representative. In general, the superintendent shall notify the industrial user when a violation occurs. For all violations, the superintendent shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the superintendent's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city's pretreatment program enforcement response plan.

(2) Enforcement actions. (a) Informal notice. These actions include statements made to the industrial user during sampling and/or inspection visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

(b) Formal notice. These actions include the following:

(i) Notice of violation. Any person found to be violating any provision of this chapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW superintendent with a written notice stating the nature of the violation. The offender must permanently cease all violations.

(ii) Administrative orders/fines. Any person who, after receiving a notice of violation, continues to discharge in violation of this chapter or other pretreatment standard or requirement or

is determined to be a chronic or persistent violator, shall be ordered to appear before the superintendent. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a nonarbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the superintendent a request for the city to reconsider the fine within ten (10) days of being notified of the fine. The city shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user. The administrative order may take any of the following four forms:

(A) Consent order. The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as all other administrative orders.

(B) Compliance order. When the superintendent finds than an industrial user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(C) Cease and desist order. When the superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

(1) Comply forthwith;

(2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(iii) Show cause hearing order. The superintendent may issue to any user who causes or contributes to violations of this chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the superintendent why more severe enforcement should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The city itself may conduct the hearing and take evidence or may designate a representative to:

(A) Issue in the name of the city notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(B) Take the evidence;

(C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon. At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically.

The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. #1991- ___, Feb. 1997)

18-310. Penalties. (1) Written notice. Any user found to be violating any provision of this chapter or a discharge permit or order issued hereunder shall be served by the superintendent or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in § 18-309, the notice may be of several forms. Also as contained in § 18-309 penalties of various forms may be levied against users for violations of this chapter. The penalties shall range from publication of violators to fines of up to $1,000 per day per violation.

(2) Continued violation. Any user who shall violate any provisions of this chapter, a discharge permit or other order issued hereunder shall be guilty of a violation of this chapter and shall be liable to the superintendent for a civil penalty of up to $1,000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

(3) Revocation of permit. Any user violating any of the provisions of this chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this chapter, discharge permit, order or applicable state or federal regulations is subject to having its industrial user discharge permit revoked in accordance with the procedures of this chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

(a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;

(b) Failure of the user to report significant changes in operations, processes, wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and

(d) Violation(s) of any condition of the industrial user discharge permit.

(4) Liability. Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City of Parsons for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(5) Misrepresentation and/or falsifying documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, reports, plan or other document filed or required pursuant to this chapter or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine of up to $1,000 or by imprisonment for not more than twelve (12) months or by both.

(6) Destruction of POTW and legal action. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(7) Judicial action. If any person(s) discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, discharge permit, any order of the superintendent or the city, or federal or state pretreatment requirements, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

(8) Termination of service. The superintendent may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the superintendent.

(9) Criminal prosecution. Any industrial user who willfully or negligently violates any provisions of this chapter, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation per day or imprisonment for not more than one year or both.

(10) Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in section 403.5(a)(2) of the regulations. (Ord. #1991-__, Feb. 1997)

CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL[1]

SECTION

18-401. Definitions.
18-402. Places required to have sanitary disposal methods.
18-403. When a connection to the public sewer is required.
18-404. When a septic tank shall be used.
18-405. Registration and records of septic tank cleaners, etc.
18-406. Use of pit privy or other method of disposal.
18-407. Approval and permit required for septic tanks, privies, etc.
18-408. Owner to provide disposal facilities.
18-409. Occupant to maintain disposal facilities.
18-410. Only specified methods of disposal to be used.
18-411. Discharge into watercourses restricted.
18-412. Pollution of ground water prohibited.
18-413. Enforcement of chapter.
18-414. Carnivals, circuses, etc.
18-415. Violations.

18-401. Definitions. The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within one hundred and fifty (150) feet of any boundary of said property measured along the shortest available right-of-way;

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

(3) "Human excreta." The bowel and kidney discharges of human beings;

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic

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[1]Municipal code reference
Plumbing code: title 12, chapter 2.

Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1970 Code, § 8-201)

18-402. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1970 Code, § 8-202)

18-403. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1970 Code, § 8-203)

18-404. When a septic tank shall be used. Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1970 Code, § 8-204)

18-405. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1970 Code, § 8-205)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1970 Code, § 8-206)

18-407. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1970 Code, § 8-207)

18-408. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (1970 Code, § 8-208)

18-409. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1970 Code, § 8-209)

18-410. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1970 Code, § 8-210)

18-411. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1970 Code, § 8-211)

18-412. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1970 Code, § 8-212)

18-413. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1970 Code, § 8-213)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1970 Code, § 8-214)

18-415. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1970 Code, § 8-215)

CHAPTER 5

CROSS CONNECTIONS ORDINANCE[1,2]

SECTION

18-501. Objectives.
18-502. Definitions.
18-503. Compliance with Tennessee Code Annotated.
18-504. Regulated.
18-505. New installations.
18-506. Existing installations.
18-507. Inspections.
18-508. Right of entry for inspections.
18-509. Correction of violations.
18-510. Required devices.
18-511. Non-potable supplies.
18-512. Statement required.
18-513. Penalty; discontinuance of water supply.
18-514. Provision applicable.

18-501. Objectives. The objectives of this ordinance are to:

(1) To protect the public potable water system of the City of Parsons Water Department from the possibility of contamination or pollution by isolating within the customer's internal distribution system such contaminants or pollutants that could backflow or backsiphon into the public water system;

(2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and non-potable water systems, plumbing fixtures, and industrial piping systems;

(3) To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (1970 Code, § 8-301, as replaced by Ord. #275, Dec. 2007)

18-502. Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

[2]Cross connection control plan is contained in Appendix B.

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a non-pressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross connection.

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "Bypass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector" assembly shall mean an assembly of two (2) independently operating approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of

the check valves, fined with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 – Second Edition 1990. The six (6) classes are as follows:

(a) Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

(b) Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

(c) Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

(d) Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

(e) Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(f) Class 6 shall be those with combined industrial and fire protection systems supplied from the public water main only, with or without gravity storage or pump suction tanks.

(12) "Interconnection" shall mean any system of piping or other arrangements 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 system.

(13) "Manager" shall mean the Manager of the City of Parsons Water Department or his duly authorized deputy, agent or representative.

(14) "Person" shall mean 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.

(15) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(16) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently opening spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(17) "Public water supply" shall mean the City of Parsons Water Department water system, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(18) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly-closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter);

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (1970 Code, § 8-302, as replaced by Ord. #275, Dec. 2007)

18-503. Compliance with Tennessee Code Annotated. The City of Parsons Water Department shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The City of Parsons Water Department shall comply with Tennessee Code Annotated, § 68-221-711 as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses and interconnections, and shall establish an effective, on-going program to control these undesirable water uses. (1970 Code, § 8-303, as replaced by Ord. #275, Dec. 2007)

18-504. Regulated. (1) No water service connection to any premises shall be installed or maintained by the City of Parsons unless the water supply system is protected as required by state laws and this ordinance. Service of

water to any premises shall be discontinued by the City of Parsons Water Department if a backflow prevention device required by this ordinance is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) 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 Environment and Conservation, and the operation of such cross connection is at all times under the direction of the manager of the City of Parsons Water Department.

(3) If, in the judgment of the manager or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the manager shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(5) For new installations, the manager or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the City of Parsons Water Department shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this ordinance. (1970 Code, § 8-304, as replaced by Ord. #275, Dec. 2007)

18-505. New installations. No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the City of Parsons Water Department for approval. (as added by Ord. #275, Dec. 2007)

18-506. Existing installations. No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the City of Parsons Water Department. (as added by Ord. #275, Dec. 2007)

18-507. Inspections. The manager or his designated agent shall inspect all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved, and shall be established by the City of Parsons Water Department in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (as added by Ord. #275, Dec. 2007)

18-508. Right of entry for inspections. The manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Parsons Water Department public water system for the purpose of inspecting the piping system therein for cross connection, auxiliary intakes, bypasses or interconnections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections, and shall be grounds for disconnection of water service. (as added by Ord. #275, Dec. 2007)

18-509. Correction of violations. (1) Any person found to have cross connections, auxiliary intakes, bypasses or interconnections in violation of the provisions of this ordinance shall be allowed a reasonable time within which to comply with the provisions of this ordinance. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the manager or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross connections, auxiliary intakes, bypasses or interconnections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the City of Parsons Water Department shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this ordinance and Tennessee Code Annotated, § 68-221-711, within the time limits established by the manager or his

representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the manager shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the manager, warrants disconnection prior to a due process hearing. (as added by Ord. #275, Dec. 2007)

18-510. Required devices. (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

(a) Impractical to provide an effective air-gap separation;

(b) The owner/occupant of the premises cannot or is not willing to demonstrate to the City of Parsons Water Department that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(c) The nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems) approved by the Tennessee Department of Environment and Conservation and the City of Parsons Water Department, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the City of Parsons Water Department prior to installation and shall comply with the criteria set forth in this ordinance. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Applications requiring backflow prevention devices shall include, but shall not be limited to, domestic water service and/or fire flow connections for all medical facilities, all fountains, lawn irrigation systems, wells, water softeners and other treatment systems, swimming pools and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by City of Parsons Water Department as needing protection:

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

(i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or

(ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(4) The manager or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(5) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this ordinance by a person approved by the City of Parsons Water Department who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's installations and shall possess appropriate test cocks, fittings and caps required for the testing of the device. All fittings shall be of brass construction, unless otherwise approved by the City of Parsons Water Department and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Devices shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12") plus the nominal diameter of the device above either:

(i) The floor;

(ii) The top of opening(s) in the enclosure; or

(iii) Maximum flood level, whichever is higher. Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in non-removable enclosures shall have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/backsiphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the City of Parsons Water Department. The complete assembly, including valve stems and band wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely

removable. Access for backflow prevention devices two and one-half inches (2-1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed of 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees (+40° F) with an outside temperature of negative thirty degrees (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the City of Parsons Water Department shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the City of Parsons Water Department may require the installation of a duplicate device.

(p) The City of Parsons Water Department shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the City of Parsons Water Department. Expense of such repairs shall be borne by the owner or occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective, shall constitute a violation of this ordinance and shall be 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 City of Parsons Water Department.

(6) Testing of devices. Devices shall be tested at least annually by the City of Parsons Water Department by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will

be on file with the City of Parsons Water Department and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. Any applicable charges for testing of devices will be passed on to the owner of the device. (as added by Ord. #275, Dec. 2007)

18-511. Non-potable supplies. The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this ordinance. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with (OSHA) Occupational Safety and Health Act guidelines, shall be required in locations where in the judgment of the City of Parsons Water Department such coding is necessary to identify and protect the potable water supply. (as added by Ord. #275, Dec. 2007)

18-512. Statement required. Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the City of Parsons Water Department a statement of the nonexistence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses or interconnections. Such statement shall contain an agreement that no cross connections, auxiliary intakes, bypasses or interconnections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (as added by Ord. #275, Dec. 2007)

18-513. Penalty; discontinuance of water supply. (1) Any person who neglects or refuses to comply with any of the provisions of this ordinance may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the manager may discontinue the public water supply service to any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection; and service shall not be restored until such cross connection,

auxiliary intake, bypass or interconnection has been eliminated. (as added by Ord. #275, Dec. 2007)

18-514. Provision applicable. The requirements contained in this ordinance shall apply to all premises served by the City of Parsons Water Department and are hereby made part of the conditions required to be met for the City of Parsons Water Department to provide water services to any premises. The provisions of this ordinance shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the City of Parsons Water Department is entitled to a due process bearing upon timely request. (as added by Ord. #275, Dec. 2007)

CHAPTER 6

GREASE CONTROL PROGRAM

SECTION

18-601. Purpose of the grease control program.
18-602. Definitions.
18-603. General criteria.
18-604. Design criteria.
18-605. Grease trap and interceptor maintenance.
18-606. Administrative requirements.
18-607. Enforcement.
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18-601. Purpose of the grease control program. Grease is one of the primary causes of stoppages, backups, and overflows in a wastewater collection system. Grease buildup in the sewers also causes restrictions and capacity problems. Parsons Utilities goal is to improve sewer service by reducing the impact of grease. This goal will be achieved through two related programs:

(1) Preventive maintenance program. Parsons Utilities "field control" program, through which identified grease problem areas" are routinely cleaned and inspected. Parsons Utilities is responsible for the "field control" of grease, through its normal collection system operations.

(2) Grease control program. Parsons Utilities "source control" program, through which food service facilities (FSF's) are required to capture and properly dispose of the grease generated by their operation. The focus of this document is the grease control program, including the proper sizing, installation, and maintenance of grease interceptors. The administrative and inspection requirements are established as well. Through the cooperative efforts of FSF's with Parsons Utilities, the goal of improved sewer service through proper grease control can be achieved. (as added by Ord. #210, Dec. 2003)

18-602. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this document, have the meanings indicated in this section:

(1) "Black water." Waste water from sanitary fixtures such as toilets and urinals.

(2) "Bulk service kitchen." A facility which prepares bulk quantities of food, such as hospitals, schools, or caterers.

(3) "Common grease interceptor." A device to which grease wastes are directed from more than one facility having different operators or type of operations, such as in a food court.

(4) "Customer. " A user of the sanitary sewer system who produces wastes from their process operations. The customer is responsible for assuring

that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.

(5) "Food courts." Areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may be sharing seating space and/or plumbing facilities.

(6) "Food service facility (FSF)." Any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food related wastes.

(7) "Garbage grinder." A device which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(8) "Gray water." Refers to all wastewater other than "black water" as defined in this section.

(9) "Grease." A material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease by definition. Grease does not include petroleum-based products.

(10) "Grease interceptor." A large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the sanitary sewer collection system. Grease interceptors are located outside of food service facilities.

(11) "Hauler." One who transfers waste from the site of a customer to an approved site for disposal or treatment. The hauler is responsible for assuring that all federal, state and local regulations are followed regarding waste transport.

(12) "NPDES." Stands for National Pollution Discharge Elimination System under which the Parsons Utilities Wastewater Treatment Plants are permitted.

(13) "POTW." Stands for publicly-owned treatment works or "treatment works" as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292) which is owned or operated in this instance by Parsons Utilities. This definition includes any sewers that convey wastewater to Parsons Utilities sewage treatment plants.

(14) "Pretreatment coordinator." An individual employed by Parsons Utilities who is charged with the responsibility of administering the provisions of the pretreatment program to ensure compliance by users with applicable laws, rules, regulations, resolutions and ordinances relative to the concentration(s) of substances found in the waste stream of facilities connected to the POTW.

(15) "Sewage." The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated. The terms "waste" and "wastewater" shall be deemed as sewage by definition.

(16) "Sewer lateral." A sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the public sanitary sewer collection system.

(17) "Single service restaurant." A restaurant where the meals are served on throwaway plates and utensils.

(18) "Standard restaurant." A restaurant where meals are served on plates and utensils that are washed and re-used.

(19) "'Under the sink' grease trap." A device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold, oil and grease substances to prevent their entry into the sanitary sewer collection system. Grease traps are commonly referred to based on their grease retention capacity, (i.e. 20#, 30#, 40#, etc.)

(20) "User." Shall mean a Parsons Utilities customer operating a "food service facility" inside the Parsons Utilities wastewater service area.

(21) "Waste." The liquid and water-carried domestic or industrial wastes from dwellings, commercial establishments, industrial facilities, and institutions, whether treated or untreated. Wastes may include but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease-containing materials may exist. The terms "sewage" and "wastewater" shall be deemed as waste by definition. (as added by Ord. #210, Dec. 2003)

18-603. General criteria. (1) Installation requirements for new food service facilities. All proposed or newly remodeled food service facilities inside the Parsons Utilities Wastewater Service area shall be required to install an approved, properly operated and maintained grease interceptor.

(2) Phased implementation plan for existing food service facilities. All existing food service facilities inside the Parsons Utilities Wastewater Service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed of. Existing food service facilities will typically be handled under Parsons Utilities Grease Control Program.

(a) Parsons Utilities will periodically inspect each food service facility on an as-needed basis to assure that each facility is complying with the intent of the grease control program. Parsons Utilities goal is to achieve compliance by all existing food service facilities by January 1, 2003.

(b) Through preventive maintenance records or emergency calls related to grease, Parsons Utilities will identify and target "grease problem areas" in the waste water collection system. Food service facilities located upstream of these problem areas and discharge their waste water into the "problem" lines will be identified as potential contributors to the grease build-up. Parsons Utilities inspects the grease

interceptors of all food service facilities in the vicinity of the "problem area," making note of maintenance records, sizing, and condition.

(c) Each food service facility in the vicinity of the problem area will be inspected. The facilities' grease control practices and the adequacy of their grease control interceptor/equipment will be assessed. Maintenance records will also be reviewed.

(d) Following the inspections, Parsons Utilities will send written notice to the inspected food service facilities, containing an educational brochure on grease in the sewer system, a summary of the policy requirements, and the results of the inspection. The inspections will typically result in one of the following actions:

(i) Facilities equipped with an appropriate and adequately-sized grease interceptor who are meeting the intent of the grease control program through effective grease control practices will be commended for their compliance.

(ii) Facilities may be required to develop and submit to Parsons Utilities a proposed plan designed to achieve compliance through improved housekeeping and increased maintenance and pumping on the existing grease interceptor/equipment.

(iii) Facilities that are not successful in achieving compliance with the intent of the grease control program through improved housekeeping and increased maintenance and pumping on the existing grease interceptor/equipment will be required to install the necessary interceptor/equipment to bring the facility into compliance. An appropriate amount of time will be agreed upon between Parsons Utilities and the customer.

(3) Prohibited discharges. Black water shall not be discharged to the grease interceptor unless specifically approved, in writing, by Parsons Utilities.

(4) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease interceptor.

(5) Garbage grinders and dishwashers. Parsons Utilities recommends that solid food waste products be disposed of through normal solid waste/garbage disposal procedures. The use of garbage grinders which discharge to the sanitary sewer is discouraged within the Parsons Utilities wastewater service area but in the event that the device is used in a commercial or industrial facility, it must be connected to the grease interceptor. The use of a garbage grinder decreases the operational capacity of the grease interceptor and will require an increased pumping frequency to ensure continuous and effective operation. Commercial dishwasher connections must be connected to the grease interceptor. Food particles from garbage grinders take up storage capacity in the grease interceptor and will require that the interceptor be pumped more frequently. Dishwashers discharge hot water and soap, which can melt grease stored in an overburdened interceptor. Melted grease may then

pass through the interceptor into the customer's service line and the public sewer system, where the grease hardens and causes line clogs.

(a) Although not recommended, existing food service facilities may allow any fixture to remain connected to a grease interceptor, except fixtures which may discharge black water.

(b) Proposed and remodeled food service facilities may not connect janitor sinks or black water fixtures to a grease interceptor.

(c) Location. (i) Each grease trap and grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed in any part of a building unless approved in writing by Parsons Utilities.

(ii) Location of grease interceptors shall meet the approval of Parsons Utilities. The best location is in an area outside of an outside wall, but upstream from the black water drain line(s). (as added by Ord. #210, Dec. 2003)

18-604. Design criteria. (1) Construction of interceptors. Grease interceptors shall be constructed in accordance with Parsons Utilities standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of Parsons Utilities. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. Parsons Utilities standard drawing for grease interceptors is shown in Appendix A of § 18-608.

(2) Access. Access to grease traps and grease interceptors shall be available at all times, to allow for their maintenance and inspection. Access to grease interceptors shall be provided by 2 (two) manholes terminating 1-inch above finished grade with cast iron frame and cover.

(3) Load-bearing capacity. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity (example: vehicular traffic in parking or driving areas).

(4) Inlet and outlet piping. Wastewater discharging to a grease trap or grease interceptor shall enter only through the inlet pipe of the interceptor. Each grease interceptor shall have only one inlet and one outlet pipe.

(5) Interceptor sizing. Using the Parsons Utilities grease interceptor sizing formula shown in Appendix B of § 18-608 shall approximate the required size of a grease, interceptor. Most grease interceptors will have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity using the Parsons Utilities grease interceptor sizing formula exceeds 3,000 gallons, multiple units in series shall be installed. See Appendix B of § 18-608 for example of formula.

Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the costs to provide additional

measures if required by Parsons Utilities. Parsons Utilities reserves the right to evaluate interceptor sizing on an individual basis for facilities with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula. (as added by Ord. #210, Dec. 2003)

18-605. Grease trap and interceptor maintenance. (1) Cleaning/ pumping. The user at the user's expense shall maintain all grease traps and interceptors. Maintenance of "under the sink" grease traps shall include the removal of all fats, oil, and grease from the detention compartment of the trap. Removal is usually accomplished by hand-dipping or scooping the collected grease from the trap. Maintenance of grease interceptors shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(2) Cleaning/pumping frequency. "Under the sink" grease traps must be cleaned no less than weekly. If grease traps are more than 50% full when cleaned weekly, the frequency shall be increased. Grease interceptors must be pumped out completely a minimum of once every three months, or more frequently as needed to prevent carry over of grease into the sanitary sewer collection system, unless it can be demonstrated to Parsons Utilities that the pumping frequency can be extended past the three month period.

(3) Disposal of grease interceptor waste. All waste removed from each grease interceptor must be disposed of at a facility approved by Parsons Utilities to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system.

(4) Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to Parsons Utilities. Such additives shall include, but not be limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

(5) Chemical treatment. Chemical treatments such as drain cleaners, acid and other chemicals designed to dissolve or remove grease shall not be allowed to enter the grease interceptor.

(6) Manifest. All pumpage from grease interceptors must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain a copy of the original manifest from the hauler. The original manifest with original signatures must be left at the disposal facility. The customer is required to utilize only Parsons Utilities permitted haulers for the disposal of grease.

(7) Maintenance log. A grease interceptor cleaning record maintenance log indicating each pumping for the previous 24 months shall be maintained by each FSF. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to the Parsons Utilities representative upon request. (as added by Ord. #210, Dec. 2003)

18-606. Administrative requirements. (1) Initial data acquisition. Upon inspection of each FSF, Parsons Utilities inspector shall collect the necessary grease control data to facilitate the population of Parsons Utilities grease control program database. The database will be updated with additional or modified information after each inspection.

(2) Administrative fee. An administrative fee for facilities with grease discharges shall be set by Parsons Utilities. The fee shall be established to insure full cost recovery and shall include but not be limited to the cost of field, administrative, engineering, and clerical expenses involved. The fees shall be not less than $75.00 per year for each facility. The annual administrative fee shall be applied to the customer's July water and sewer service bill.

(3) Monitoring. As a condition for service, the user shall provide, operate, and maintain, at user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling, and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. When the physical location and hydraulic conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and Parsons Utilities.

(4) Inspection and entry. Authorized personnel of Parsons Utilities bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this program. (as added by Ord. #210, Dec. 2003)

18-607. Enforcement. Parsons Utilities shall have the administrative authority to enforce this program. Whenever Parsons Utilities finds that any user has violated or is violating this program, or any prohibition, limitation, or requirements contained herein, Parsons Utilities will initiate corrective action, which may include but not be limited to the following:

(1) Notice of violation. Parsons Utilities may issue any user a written notice stating the nature of violation. Within fifteen (15) days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to Parsons Utilities by the user.

(2) Consent order. Parsons Utilities may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance with a time period specified by the order.

(3) Administrative order. When Parsons Utilities finds that a user has violated or continues to violate the provisions set forth in this program, or the order issued there under, Parsons Utilities may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary, and appropriate to address the noncompliance, including but not be limited to the installation of pretreatment technology, additional self-monitoring, and management practices.

(4) Emergency suspension of services. Parsons Utilities may suspend water or sewer service when such suspension is necessary, in the opinion of Parsons Utilities in order to stop an actual or threatened discharge which:

(a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;

(b) Causes stoppages, sanitary sewer overflows, or excessive maintenance to be performed to prevent stoppages in the sanitary sewer collection system;

(c) Causes interference to the POTW; or

(d) Causes Parsons Utilities to violate any condition of its NPDES permits. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, Parsons Utilities shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. Parsons Utilities shall reinstate the water or sewer service when such conditions causing the suspension have been eliminated and the reconnection fee paid. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to Parsons Utilities within fifteen (15) days of the date of occurrence.

(5) Administrative penalty. Notwithstanding any other remedies or procedures available to Parsons Utilities any user who is found to have violated any provision of this program, or any order issued hereunder, may be assessed an administrative penalty of not to exceed one thousand dollars ($1,000) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and Parsons Utilities shall have such other collection remedies as are available by law.

(6) Request for hearing and appeal. Any person affected by a penalty, order, or directive of Parsons Utilities issued pursuant to this program may, within ten (10) days of the issuance of such penalty, order, or directive, request a hearing in writing before Parsons Utilities to show cause why such should be modified or made to not apply to such person. The requested hearing shall be held as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, Parsons Utilities shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, or directive at issue. (as added by Ord. #210, Dec. 2003)

18-608. Appendices.

Appendix A

Passive Separation Devices

Small Point-of-Use Interceptors

Small interceptors are designed to be installed under the counter or in the floor adjacent to the source of the wastewater, such as a sink or dishwasher. Such devices are typically small (less than 50 gallons capacity, about the size of a 2-drawer file cabinet), are usually constructed of fabricated steel, and are equipped with a vented flow control device and internal flow-diffusing baffle (see Figure 2). They are classified in terms of rated flow and grease storage capacity. Sizes range from 4 gallons per minute with 8 pounds of grease storage capacity up to 50 gallons per minute with 100 pounds of grease storage capacity. New installation costs range from $1,000 to $1,500.

These devices are often certified with respect to flow and grease capacity by the Plumbing and Drainage Institute or other such entities. However, it should be understood that certification testing is performed under controlled conditions with clean devices, hot water (1500 ~1600 F), and no detergents.

Appendix B

Recommended Grease Interceptor Sizing
Formula Based on EPA-2 Model
Note: If no cooking/frying occurs and FSF engages in food prep only then use adequately sized 20, 30, 40 pound grease trap; based on flow per current adopted plumbing code.

Type of Restaurant Fixture	Flow Rate	No. of Fixtures	Amount
Restaurant kitchen sick	15 gpm		
Single compartment sink	20 gpm		
Double compartment sink	25 gpm		
2, single compartment sinks	25 gpm		
2, double compartment sinks	35 gpm		
Triple sink, 1 ½ or 2 in. drain	35 gpm		
Trash can washing station	35 gpm		
30 gal. Dishwasher	15 gpm		
50 gal. Dishwasher	25 gpm		
50-100 gal. Dishwasher	40 gpm		
Garbage disposal	40 gpm		

Totals:

NoteCalculate average flow rate per fixture
A. Average Flow rate ____ gpm / Number of fixtures ____ = ____ gpm
Restaurant Type and Sizing Factors:
Fast food (no dishes) = .50
Din-in (0--100 seats) = .50
Din-in (>100 seats) = .60
Cafeteria-Buffet = .75
Food Production = .85
B. Sub Total = A x Sizing Factor, ____ gpm x ___ Factor = ____ gpm
C. Sub Total = B x 60 min. = avg. flow for 1 hour = ____ x 60 = ____ gph
D. Total = C x 2 hrs retention time = trap volume = ____ x 2 = ____ gal

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY[1]

SECTION
19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the city and its inhabitants under such franchise as the city council shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1970 Code, § 13-301)

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[1]Municipal code reference
Electrical code: title 12.

CHAPTER 2

GAS[1]

SECTION

19-201. Council to operate and control.
19-202. Meter connection fee required for connection.
19-203. Installation of main and service line.
19-204. Reconnection and/or relocation charges.
19-205. Ownership of lines and meters.
19-206. Employees of system to have access to meters, etc.
19-207. Rates and charges.

19-201. Council to operate and control. The city council shall have and exercise all powers and duties necessary for the proper operation and control of the city's natural gas distribution system. The council shall fix the rates and charges for all services and facilities furnished by said system. It shall see that the income and revenues of the system are promptly collected each month, segregated from the other funds of the city and applied as prescribed and directed by the resolution authorizing the outstanding bonds of the system. (1970 Code, § 13-401)

19-202. Meter connection fee required for connection. A meter connection fee will be required of all customers of the gas system. The meter connection fee required shall be set by the city council, and until amended by the council, shall be $40.00 for homeowners and $80.00 for renters.

Upon application for gas service a prospective customer shall pay a deposit according to the following schedule.

Homeowner: No deposit required

Non-owner occupied residential: equal to three (3) months estimated usage

Owner/commercial: No deposit required

Non-owner commercial: equal to three (3) months estimated usage

Deposits will be returned to customers via a credit to their utility bill after establishing a twenty-four (24) month good payment record. A good payment record may be established by meeting the following criteria:

(1) During the twenty-four (24) consecutive months that the service was provided, the customer did not have more than two (2) bills that were delinquent; and

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[1]Municipal code reference
Gas code: title 12.

(2) Did not have a service disconnected for nonpayment of a bill for services rendered; and

(3) Did not have a check returned to the city by a bank for insufficient funds. (1970 Code, § 13-402, as replaced by Ord. #187, Feb. 2003, and amended by Ord. #341, Oct. 2012)

19-203. Installation of main and service line. For areas not served by gas, main line construction will be considered after applications have been received from a minimum of eight customers per mile, accompanied by a tap fee of $300.00 and the appropriate connection fee for each application. If fewer than eight customers per mile desire installation of a main line, a main line may be constructed after an application has been filed, accompanied by a fee of $13,200.00, per mile, and each individual customer thereon will be required to file a separate application and pay a $300.00 tap fee and the appropriate connection fee.

A service line (up to 100 feet) will be installed by the city from the main line to each customer's meter after an application, accompanied by the gas tap fee of $300.00, and the appropriate connection fee is received. The customer will be charged and billed separately, an additional 75 cents per foot for service line installation exceeding 100 feet of gas line. (1970 Code, § 13-403, as replaced by Ord. #187, Feb. 2003)

19-204. Reconnection and/or relocation charges. Residential customers who terminate gas service and within twelve (12) months apply for its reinstallation at the same location will be charged a $40.00 reconnection fee. Industrial and commercial rate customers who terminate gas service and within twelve (12) months apply for its reinstallation at the same location will be charged a reconnection fee equal to the minimum bill that would have been charged for such customers for the period that service was discontinued. When an existing customer moves to a new location, his or her reconnection will be handled as a new connection (and an appropriate connection fee charged) and the customer will be charged a new tap fee if there is no existing service connection at the new location, however, no tap fee charge will be made if there is an existing service connection at the new location. A relocation fee of $25.00 will be required before a meter is relocated and any additional line that is used by the city to relocate a meter will be billed separately at the rate of 75 cents a foot. (1970 Code, § 13-404, as replaced by Ord. #187, Feb. 2003)

19-205. Ownership of lines and meters. All gas lines, regardless of how installed, up to and including the meter shall be the property of the city gas system. (1970 Code, § 13-405)

19-206. Employees of system to have access to meters, etc.. Applications for service shall include a permit from the customer to the gas

system allowing necessary and reasonable access to the gas meter, regulator, and service lines installed on, or to be installed on, the customer's property. (1970 Code, § 13-406)

19-207. Rates and charges. Monthly gas service rates and charges will be in accordance with such schedules as the city council shall from time to time prescribe. (1970 Code, § 13-407)

TITLE 20

MISCELLANEOUS

CHAPTER
1. CIVIL DEFENSE ORGANIZATION.
2. MUNICIPAL TREE ORDINANCE.

CHAPTER 1

CIVIL DEFENSE ORGANIZATION

SECTION
20-101. Civil defense organization created.
20-102. Authority and responsibility.
20-103. Office of director; authority and responsibility.
20-104. Civil defense corps created.
20-105. Liability.
20-106. Expenses of civil defense.

20-101. Civil defense organization created. There is hereby created the City of Parsons civil defense organization, which shall be an operation by the City of Parsons for the purpose of organizing and directing civil defense for the citizens of the City of Parsons. (1970 Code, § 1-1001)

20-102. Authority and responsibility. (1) Authority. In accordance with federal and state enactments of law, the City of Parsons civil defense organization is hereby authorized to assist the regular government of the city and governments of all political sub-divisions therein, as may be necessary due to enemy caused emergency or natural disasters, including but not limited to: storms, floods, fires, explosions, tornadoes, hurricanes, drought, or peace-time man-made disasters, which might occur in the city affecting the lives, health, safety, welfare, and property of the citizens of Parsons. The City of Parsons civil defense organization is hereby authorized to perform such duties and functions as may be necessary on account of said disasters. The City of Parsons civil defense organization is hereby designated the official agency to assist regular forces in time of said emergencies.

(2) Responsibilities. The City of Parsons civil defense organization shall be responsible for preparation and the readiness against enemy caused and natural emergencies arising in the City of Parsons, to establish and coordinate emergency plans, forces, means, and resources, and is hereby designated the official agency to establish such emergency plans. (1970 Code, § 1-1002)

20-103. Office of director; authority and responsibility.
(1) Primary authority. (a) The office of the director of civil defense is hereby created. The director shall have the authority to request the declaration of the existence of an emergency by the mayor or either or by higher authority as appropriate.

(b) The director shall have overall responsibility for the preparation of all plans, recruitment, and training of personnel. All local civil defense plans will be in accordance with state plans and shall be approved by the state civil defense office.

(c) The director is hereby given the authority to delegate such responsibility and authority as is necessary to carry out the purpose of this chapter subject to the approval of the mayor.

(2) Responsibility of the director. The director shall be responsible to the mayor for the execution of the authorities, duties, and responsibilities of the City of Parsons civil defense organization, for the preparation of all plans and administrative regulations, and for recruitment and training of personnel. (1970 Code, § 1-1003)

20-104. Civil defense corps created. The City of Parsons civil defense corps is hereby created. The corps shall be under the direction of the director of civil defense and his staff members with delegated authority; it shall consist of designated regular government employees and volunteer workers. Duties and responsibilities of the corps members shall be outlined in the civil defense emergency plan. (1970 Code, § 1-1004)

20-105. Liability. Liability for civil defense operations shall be as provided by law. (1970 Code, § 1-1005)

20-106. Expenses of civil defense. No person shall have the right to expend any public funds of the city in carrying out any civil defense activities authorized by this chapter without prior approval by the city council; nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval by the city council. The civil defense director shall disburse such monies as may be provided annually by appropriation of the city for the operation of the civil defense director. Control of disbursements will be as prescribed by the city council. The director shall be responsible for the preparation and submission of a budget with recommendations as to its adoption by the city. All funds shall be disbursed upon vouchers properly executed by the City of Parsons. The civil defense director is hereby authorized to accept federal contributions in money, equipment, or otherwise, when available, or state contributions in money, equipment, or otherwise, when available, or state contributions, and is further authorized to accept contributions to the civil defense organization from individuals and other

organizations, such funds becoming liable for audit by the city. (1970 Code, § 1-1006)

CHAPTER 2

MUNICIPAL TREE ORDINANCE

SECTION

20-201. Definitions.
20-202. Street tree species to be planted.
20-203. Spacing.
20-204. Distance (from curb and sidewalk).
20-205. Distance from street corners and fire plugs.
20-206. Utilities.
20-207. Public tree care.
20-208. Tree topping
20-209. Pruning, corner clearance.
20-210. Dead or diseased tree removal on public property.
20-211. Street tree stump removal.
20-212. Interference with the City of Parsons.
20-213. Arborists license and bond.
20-214. Penalty.
20-215. Appeal.
20-216. Membership of the committee.
20-217. Officers.
20-218. Terms of office.
20-219. Meetings of the committee.
20-220. Duties and responsibilities of the city beautiful and conservation/tree board.

20-201. Definitions. (1) "Right-of-way." Right-of-way is the property located within and adjoining the public easements within the city, which rights-of-way are owned or otherwise maintained by the city.

(2) "Street trees." Street trees are herein defined as trees, shrubs, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

(3) "Topping." Topping is the severe cutting back of the limbs or trunks within the canopy of a tree so as to remove the normal canopy and disfigure the tree. (Ord. #269, June 2007, as replaced by Ord. #288, July 2008)

20-202. Street tree species to be planted. No tree may be planted on public property without approval of the city tree board, codes enforcement officer, with the advisement of the Parsons Regional Planning Commission's approval.

For the purposes of this ordinance, trees are categorized by these sizes:

(1) Small trees (thirty feet (30') and under);

(2) Medium trees (thirty to fifty feet (30' – 50'));

(3) Large trees (greater than fifty feet (50') tall). (as added by Ord. #288, July 2008)

20-203. Spacing. The spacing of street trees will be in accordance with the three (3) species size classes listed in § 20-202 of this chapter, and no tree may be planted closer together than the following: small trees – thirty feet (30'), medium trees – forty feet (40'), and large trees – fifty feet (50'), except in special plantings designed or approved by the City of Parsons Tree Board. (as added by Ord. #288, July 2008)

20-204. Distance (from curb and sidewalk). The distance trees may be planted from the curbs or curbing and sidewalks will be in accordance with the three (3) species size classes listed in § 20-202 of this chapter, and no trees may be planted closer to any curb or sidewalk than the following: small trees – two feet (2'), medium trees – three feet (3'), and large trees – four feet (4') without the written approval of the tree board. When a tree is planted, it is encouraged that consideration be made for possible root barriers that could be used to promote deep root growth which would help to prevent damage to concrete structures. Codes inspector along with the Parsons Regional Planning Commission will enforce this. (as added by Ord. #288, July 2008)

20-205. Distance from street corners and fire plugs. No street tree shall be planted closer than twenty feet (20') of any street corner, measured from the point of nearest intersecting curbs or curbings without prior approval of the tree board. No street tree shall be planted closer than ten feet (10') of any fireplug. When a tree is planted, it is encouraged that consideration be made to maintain tree canopies at a minimum height of six feet (6') above the ground to benefit pedestrian traffic. This will be previewed by the tree board, and enforced by the zoning code personnel along with the Parsons Regional Planning Commission. (as added by Ord. #288, July 2008)

20-206. Utilities. No street trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, gas line, transmission line or other utility line without the written approval of the tree board, and enforced by the zoning official, and Parsons Regional Planning Commission. (as added by Ord. #288, July 2008)

20-207. Public tree care. The City of Parsons shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. (as added by Ord. #288, July 2008)

20-208. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street or other tree on public property. Trees severely damaged by storms or other cause, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city code enforcement officer and under the advisement of the City of Parsons Tree Board. (as added by Ord. #288, July 2008)

20-209. Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection and so there shall be clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of the light along the street from a streetlight or interferes with visibility of any traffic control device or sign. If a tree is on private property the owner will be notified by letter if tree is interfering or causing problem by overhanging any street or right-of-way. (as added by Ord. #288, July 2008)

20-210. Dead or diseased tree removal on public property. The city shall have the right to cause the removal of any dead or diseased trees on city rights-of-way within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within the city. Removal shall be done by said street employees, or by other means that the city may decide on. (as added by Ord. #288, July 2008)

20-211. Street tree stump removal. All stumps of street trees shall be removed below the surface of the ground whenever possible so that the top of the stump shall not project above the surface of the ground. (as added by Ord. #288, July 2008)

20-212. Interference with the City of Parsons. It shall be unlawful for any person to prevent, delay or interfere with the City of Parsons employees or any member of the City of Parsons Tree Board while engaging in and about the planning, cultivating, mulching, pruning, spraying or removing of any street trees or trees on public grounds, as authorized in this chapter. (as added by Ord. #288, July 2008)

20-213. Arborists license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees or right-of-way trees within the city without first applying for and procuring a license. The license fee shall be fifty dollars ($50.00)

annually in advance; provided however, that no license shall be required of any public utilities company or city employee doing such work in the pursuit of their public services endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum in the amounts of fifty thousand dollars ($50,000.00) for bodily injury and one hundred thousand dollars ($100,000.00) property damaged indemnifying the City of Parsons or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Private individuals on private property belonging to them will not have to get a license or permit. Private individuals will only have to in compliance of the set backs in the rules of the Parsons Regional Planning Commission and city charter. (as added by Ord. #288, July 2008)

20-214. Penalty. A violation of any provisions of this section is subject to a citation to the City of Parsons Municipal Court, and upon conviction or guilty plea, be subject to a fine not to exceed fifty dollars ($50.00) plus court costs. (as added by Ord. #288, July 2008)

20-215. Appeal. All decisions, rules, regulations and interpretations by the codes enforcement officer can be appealed to the director of public safety. Further appeals should be directed to the city council. All appeals shall be delivered in writing to the city recorder within ten (10) days from the decision of the director of public safety. All appeals will be forwarded to the mayor and city council. (as added by Ord. #288, July 2008)

20-216. Membership of the committee. The city beautiful and conservation council/tree board shall be composed of seven (7) voting members who shall serve without compensation. The members of said sub-council shall be appointed at large by the Mayor of the City of Parsons and confirmed by the city council. It is desired that seven (7) voting members of the sub-council shall come from each of the following disciplines and organizations, if possible:

(1) Landscape design;
(2) Interested citizens;
(3) Interested citizens;
(4) Interested citizens;
(5) Plant and tree salesperson;
(6) Decatur County Extension Agent;
(7) City employee.

Memberships on the boards and committees shall reflect individual members' interest and expertise as much as possible so as to address that diversity.

At any time the tree board has the right to call in additional advisors to help the tree board on issues effecting the city. The city beautification and conservation council/tree board is not limited in size. (as added by Ord. #288, July 2008)

20-217. Officers. The city beautiful and conservation council/tree board shall have a chairperson and secretary elected by majority vote of the committee. The chairperson and secretary shall be elected at the first meeting of the committee in each calendar year, and such other times as a vacancy in office shall occur. (as added by Ord. #288, July 2008)

20-218. Terms of office. All members of the sub-council city beautiful and conservation/tree board shall serve for a term of four (4) years subject to renewal at the discretion of the mayor. The mayor shall be an ex-officio member. (as added by Ord. #288, July 2008)

20-219. Meetings of the committee. The city beautiful and conservation/tree board shall establish a regular time and place of public meetings which shall be held at least quarterly. Special meetings of the sub-council may called at any given time by the chairperson and/or by any member of the sub-council with notice given to all members of the sub-council at least twenty-four (24) hours prior to said meeting. (as added by Ord. #288, July 2008)

20-220. Duties and responsibilities of the city beautiful and conservation/tree board. The city beautiful and conservation/tree board shall be an advisory body reporting directly to the mayor and city council. The city beautiful and conservation/tree board is charged with the following duties and responsibilities to make recommendations regarding:

(1) To recommend goals, policies, programs, objectives, and projects to the City of Parsons for the care, maintenance, and improvement of publicly-owned properties, buildings, streets, and roads and make recommendations which would assist in enhancing the quality, appearance and aesthetics of the city.

(2) Signs and/or graphics, when requested.

(3) Landscaping and related ornamentation, when requested.

(4) To be available to make recommendations, when requested, regarding the maintenance, condition, ornamentation, and landscaping of residential, commercial, and industrial properties within the City of Parsons.

(5) To undertake programs, projects, and special studies which are intended to increase an awareness of and interest in city beautification and planting trees or removal of dead or diseased trees.

(6) To develop a program of encouraging voluntary activities by residents and business to beautify and enhance the physical environment, thereby improving the aesthetic image of Parsons and its neighborhoods.

(7) Establish a tree plan, conducting and planning Arbor Day ceremonies, assisting with public tree inventory, maintaining a recommended tree list for the city, coordinating donations for memorial tree plantings, and recommending rules and regulations pertaining to the tree program.

(8) In other roles that may be deemed necessary by the mayor, and approved by the city council. (as added by Ord. #288, July 2008)

City of Parsons Parallel Reference Table

Subject	Old code §	New code §
CITY COUNCIL		
Time and place of regular meetings	1-101	1-101
Order of business	1-102	1-102
General rules of order	1-103	1-103
MAYOR		
Generally supervises city's affairs	1-201	1-201
Executes city's contracts	1-202	1-202
RECORDER		
To be bonded	1-301	1-301
To keep minutes, etc.	1-302	1-302
To perform general administrative duties, etc.	1-303	1-303
POLICE AND ARREST		
Policemen subject to chief's orders	1-401	6-101
Policemen to preserve law and order, etc.	1-402	6-102
Policemen to wear uniforms, and be armed	1-403	6-103
When policemen to make arrests	1-404	6-104
Policemen may require assistance in making arrests	1-405	6-105
Disposition of persons arrested	1-406	6-106
Police department records	1-407	6-107
CITY COURT		
City judge	1-501	3-101
Maintenance of docket	1-502	3-201
Issuance of arrest warrants	1-503	3-301
Issuance of summonses	1-504	3-302
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Imposition of fines, penalties, and costs	1-508	3-202
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Bond amounts, conditions, and forms	1-510	3-403

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Subject	Old code §	New code §
Disposition and report of fines, penalties, and costs	1-511	3-203
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WORKHOUSE		
City jail to be used	1-601	6-201
Inmates to be worked	1-602	6-202
Compensation of inmates	1-603	6-203
SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES		
Policy and purpose as to coverage	1-701	4-101
Necessary agreements to be executed	1-702	4-102
Withholdings from salaries or wages	1-703	4-103
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Use of city time, facilities, etc.	1-905	4-305
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Strikes and unions	1-907	4-307
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Authority and responsibility	1-1002	20-102
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OCCUPATIONAL SAFETY AND HEALTH PROGRAM		
Title	1-1101	4-401
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Prohibited generally	2-101	8-101
BEER		
Business prohibited	2-201	8-201
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Running at large prohibited	3-101	10-101
Keeping near a residence or business restricted	3-102	10-102
Pen or enclosure to be kept clean	3-103	10-103
Adequate food, water, and shelter, etc., to be provided	3-104	10-104
Keeping in such manner as to become a nuisance prohibited	3-105	10-105
Cruel treatment prohibited	3-106	10-106
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Rabies vaccination and registration required	3-201	10-201
Dogs to wear tags	3-202	10-202
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Vicious dogs to be securely restrained	3-204	10-204
Noisy dogs prohibited	3-205	10-205
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Seizure and disposition of dogs	3-207	10-207

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PLUMBING CODE		
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Violations	4-203	12-203
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Gas code adopted	4-301	12-401
Modifications	4-302	12-402
Violations	4-303	12-403
GENERALLY		
"Going out of business" sales	5-101	9-101
PEDDLERS ETC.		
Permit required	5-201	9-201
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Issuance of refusal of permit	5-204	9-204
Appeal	5-205	9-205
Bond	5-206	9-206
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Use of streets	5-208	9-208
Exhibition of permit	5-209	9-209
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Subject	Old code §	New code §
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Prerequisites for a permit	5-302	9-302
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Exhibition of permit	5-304	9-304
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Taxicab franchise and privilege license required	5-401	9-401
Requirements as to application and hearing	5-402	9-402
Liability insurance or bond required	5-403	9-403
Revocation or suspension of franchise	5-404	9-404
Mechanical condition of vehicles	5-405	9-405
Cleanliness of vehicles	5-406	9-406
Inspection of vehicles	5-407	9-407
License and permit required for drivers	5-408	9-408
Qualifications for driver's permit	5-409	9-409
Revocation or suspension of driver's permit	5-410	9-410
Drivers not to solicit business	5-411	9-411
Parking restricted	5-412	9-412
Drivers to use direct routes	5-413	9-413
Taxicabs not to be used for illegal purposes	5-414	9-414
Miscellaneous prohibited conduct by drivers	5-415	9-415
Transportation of more than one passenger at the same time	5-416	9-416
MECHANICAL AMUSEMENT DEVICES, POOL TABLES, ETC.		
Definitions	5-501	9-501
Seal or tag to show serial number	5-502	9-502
Special requirements for electrical devices	5-503	9-503
Location near playgrounds or schools prohibited; exception	5-504	9-504
Noisy operation	5-505	9-505
Rules and regulations to enforce chapter	5-506	9-506

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Subject	Old code §	New code §
Machines exempt from chapter	5-507	9-507
Permit required	5-508	9-508
Filing and contents of application	5-509	9-509
Fees	5-510	9-510
Approval of application for permits by chief of police; appeals from denials	5-511	9-511
Numbering of permits; permit required for each device, location	5-512	9-512
Posting of permits	5-513	9-513
Transfer of permits prohibited	5-514	9-514
Renewal of permit	5-515	9-515
Permit suspension or revocation	5-516	9-516
REAL PROPERTY TAXES		
When due and payable	6-101	5-201
When delinquent - penalty and interest	6-102	5-202
MERCHANTS' AND VALOREM TAXES		
Tax payable - merchants included	6-201	Omitted
Administration, collection, etc.	6-202	Omitted
PRIVILEGE TAXES GENERALLY		
Tax levied	6-301	5-301
License required	6-302	5-302
MISCELLANEOUS		
Official depository for city funds	6-401	5-101
GENERAL PROVISIONS		
Fire limits described	7-101	7-101
FIRE CODE		
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Subject	Old code §	New code §
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Violations	7-207	7-207
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Establishment, equipment, and membership	7-301	7-301
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Organization, rules, and regulations	7-303	7-303
Records and reports	7-304	7-304
Chief responsible for training	7-305	7-305
Equipment to be used only within corporate limits generally	7-306	7-401
Chief to be assistant to state officer	7-307	7-306
REFUSE		
Refuse defined	8-101	17-101
Premises to be kept clean	8-102	17-102
Storage	8-103	17-103
Location of containers	8-104	17-104
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When septic tank shall be used	8-204	18-104
Registration and records of septic tank cleaners, etc.	8-205	18-105
Use of pit privy or other method of disposal	8-206	18-106
Approval and permit required for septic tanks, privies, etc.	8-207	18-107
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Subject	Old code §	New code §
Occupant to maintain disposal facilities	8-209	18-109
Only specified methods of disposal to be used	8-210	18-110
Discharge into watercourses restricted	8-211	18-111
Pollution of ground water prohibited	8-212	18-112
Enforcement of chapter	8-213	18-113
Carnivals, circuses, etc.	8-214	18-114
Violations	8-215	18-115
CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.		
Definitions	8-301	18-401
Regulated	8-302	18-402
Statement required	8-303	18-404
Violations	8-304	18-410
MISCELLANEOUS		
Health officer	8-401	13-101
Adulterated food, drugs, and cosmetics	8-402	Omitted
Communicable diseases	8-403	Omitted
House trailers	8-404	13-107
Smoke, soot, cinders, etc.	8-405	13-102
Stagnant water	8-406	13-103
Weeds	8-407	13-104
Dead animals	8-408	13-105
Health and sanitation nuisances	8-409	13-106
Junk yards	8-410	13-201
Milk ordinance adopted by reference	8-411	Omitted
Food service sanitation ordinance adopted by reference	8-412	Omitted
MISCELLANEOUS PROVISIONS		
Motor vehicle requirements	9-101	15-101
Authorized emergency vehicles defined	9-102	15-201
Operation of authorized emergency vehicles	9-103	15-202
Following emergency vehicles	9-104	15-203

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Subject	Old code §	New code §
Running over fire hoses, etc.	9-105	15-204
Driving on streets closed for repairs, etc.	9-106	15-102
Reckless driving	9-107	15-103
Driving under the influence	9-108	Omitted
One - way streets	9-109	15-104
Unlaned streets	9-110	15-105
Laned streets	9-111	15-106
Yellow lines	9-112	15-107
Miscellaneous traffic - control signs, etc.	9-113	15-108
General requirements for traffic-control signs, etc.	9-114	15-109
Unauthorized traffic - control signs, etc.	9-115	15-110
Presumption with respect to traffic - control signs, etc.	9-116	15-111
School safety patrols	9-117	15-112
Driving through funerals or other processions	9-118	15-113
Damaging pavements	9-119	15-121
Clinging to vehicles in motion	9-120	15-114
Riding on outside of vehicles	9-121	15-115
Backing vehicles	9-122	15-116
Projections from the rear of vehicles	9-123	15-117
Causing unnecessary noise	9-124	15-118
Vehicles and operators to be licensed	9-125	15-119
Passing	9-126	15-120
Bicycle riders, etc.	9-127	15-122
Weight regulations	9-128	15-123
Statutes adopted by reference	9-129	15-124
SPEED LIMITS		
In general	9-201	15-301
At intersections	9-202	15-302
In school zones	9-203	15-303
In congested areas	9-204	15-304

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Subject	Old code §	New code §
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Left turns on two-way roadways	9-303	15-403
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STOPPING AND YIELDING		
Upon approach of authorized emergency vehicles	9-401	15-501
When emerging from alleys, etc.	9-402	15-502
To prevent obstructing an intersection	9-403	15-503
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At “yield” signs	9-406	15-505
At traffic control signals generally	9-407	15-506
At flashing traffic-control signals	9-408	15-507
Stops to be signaled	9-409	15-508
PARKING		
Generally	9-501	15-601
Angle parking	9-502	15-602
Occupancy of more than one space	9-503	15-603
Where prohibited	9-504	15-604
Loading and unloading zones	9-505	15-605
Presumption with respect to illegal parking	9-506	15-606
MOTOR VEHICLES - ENFORCEMENT		
Issuance of traffic citations	9-601	15-701
Failure to obey citation	9-602	15-702
Illegal parking	9-603	15-703 and 15-706
Impoundment of vehicles	9-604	15-704
Disposal of "abandoned motor vehicles"	9-605	15-705
Deposit of license in lieu of bail	9-606	15-706

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Subject	Old code §	New code §
VEHICLE REGISTRATION		
Registration required	9-701	15-801
Registration period	9-702	15-802
Fees	9-703	15-803
Partial fee	9-704	15-804
Application, payment, receipt, and decal	9-705	15-805
Affixing decal	9-706	15-806
Registration not transferable	9-707	15-807
Reporting of ownership transfers	9-708	15-808
Exemptions	9-709	15-809
Violations	9-710	15-810
Use of revenues	9-711	15-811
GENERALLY		
Misdemeanors of the state adopted	10-101	Omitted
ENUMERATED		
Assault and battery	10-201	Omitted
Disturbing the peace	10-202	11-301
Disorderly houses	10-203	Omitted
Immoral conduct	10-204	Omitted
Obscene literature, etc.	10-205	Omitted
Indecent or improper exposure or dress	10-206	Omitted
Window peeping	10-207	Omitted
Profanity, etc.	10-208	Omitted
Escape from custody or confinement	10-209	Omitted
Resisting or interfering with an officer	10-210	Omitted
Impersonating a government officer or employee	10-211	11-401
Weapons and firearms generally	10-212	11-503
Air rifles, etc.	10-213	11-501
Throwing of missiles	10-214	11-502
Gambling	10-215	Omitted
Promotion of gambling	10-216	Omitted

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Subject	Old code §	New code §
False emergency alarms	10-217	11-402
Loitering	10-218	Omitted
Prowling	10-219	Omitted
Vagrancy	10-220	Omitted
Abandoned refrigerators, etc.	10-223	11-701
Curfew for minors	10-224	11-704
Malicious mischief	10-225	11-602
Trespassing	10-226	11-601
Posting notices, etc.	10-227	11-603
Public drunkenness	10-228	Omitted
Drinking beer, etc., on streets, etc.	10-229	11-101
Spitting	10-230	Omitted
Coercing people not to work	10-231	11-403
Caves, wells, cisterns, etc.	10-232	11-702
Interference with traffic	10-233	11-603
Antinoise regulations	10-234	11-302
Fortune telling, etc.	10-235	11-201
Wearing masks	10-236	11-705
PARSONS MUNICIPAL-REGIONAL PLANNING COMMISSION		
Creation and membership	11-101	14-101
Organization, rules, staff and finances	11-102	14-102
Powers and duties	11-103	14-103
ZONING ORDINANCE		
Title 11 chapters 2-12		14-201
EXCAVATIONS AND CUTS		
Permit required	12-101	16-201
Applications	12-102	16-202
Fee	12-103	16-203
Deposit or bond	12-104	16-204
Manner of excavating--barricades and lights--temporary sidewalks	12-105	16-205
Restoration of streets, etc.	12-106	16-206

City of Parsons Parallel Reference Table

Subject	Old code §	New code §
Insurance	12-107	16-207
Time limits	12-108	16-208
Supervision	12-109	16-209
Driveway curb cuts	12-110	16-210
MISCELLANEOUS		
Obstructing streets, alleys, or sidewalks prohibited	12-201	16-101
Trees projecting over streets, etc., regulated	12-202	16-102
Trees, etc., obstructing view at intersections prohibited	12-203	16-103
Projecting signs and awnings, etc. restricted	12-204	16-104
Banners and signs across streets and alleys restricted	12-205	16-105
Gates or doors opening over streets, alleys or sidewalks prohibited	12-206	16-106
Littering streets, alleys or sidewalks prohibited	12-207	16-107
Obstruction of drainage ditches	12-208	16-108
Abutting occupants to keep sidewalks clean, etc.	12-209	16-109
Parades regulated	12-210	16-110
Animals and vehicles on sidewalks	12-212	16-111
Fires in streets, etc.	12-213	16-112
WATER		
Application and scope	13-101	18-101
Definitions	13-102	18-102
Obtaining service	13-103	18-103
Application and contract for service	13-104	18-104
Service charges for temporary service	13-105	18-105
Connection charges	13-106	18-106
Main extensions to developed areas	13-107	18-107
Main extensions to other areas	13-108	18-108
Variances from and effect of preceding rules as to extensions	13-109	18-109

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Subject	Old code §	New code §
Meters	13-110	18-110
Meter tests	13-111	18-111
Schedule of rates	13-112	18-111
Multiple services through a single meter	13-113	18-113
Billing	13-114	18-113
Discontinuance or refusal of service	13-115	18-114
Re-connection charge	13-116	18-115
Termination of service by customer	13-117	18-116
Access to customers' premises	13-118	18-117
Inspections	13-119	18-118
Customer's responsibility for system's property	13-120	18-119
Customer's responsibility for violations	13-121	18-120
Supply and resale of water	13-122	18-121
Unauthorized use or interference with water supply	13-123	18-122
Limited use of unmetered private fire line	13-124	18-123
Damages to property due to water pressure	13-125	18-124
Liability for cutoff failures	13-126	18-125
Restricted use of water	13-127	18-126
Interruption of service	13-128	18-127
SEWERS		
Use of system regulated	13-201	18-201
Permit and supervision required for connecting to system	13-202	18-202
Connection fee	13-203	18-203
Installation of lateral lines, etc.	13-204	18-204
Sewer service charges	13-205	18-205
Extension policies	13-206	18-206
ELECTRICITY		
To be furnished under franchise	13-301	19-101

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Subject	Old code §	New code §
GAS		
Council to operate and control	13-401	19-201
Deposit required for connection	13-402	19-202
Installation of service lines	13-403	19-203
Reconnection and/or relocation charges	13-404	19-204
Ownership of lines and meters	13-405	19-205
Employees of system to have access to meters, etc.	13-406	19-206
Rates and charges	13-407	19-207

Appendix B

Cross Connection Control Plan
For
City of Parsons Water Department

(as added by Ord. #275, Dec. 2007)

I. INTRODUCTION

A. Goal

The goal of the City of Parsons Water Department is to supply safe water to each and every customer under all foreseeable circumstances. Each instance where water is used improperly so as to create the possibility of backflow threatens the health and safety of our customers and threatens our chances of realizing this goal. The possibility of backflow due to improper use of water within the customer's premises is especially significant, because such cross connections may easily result in the contamination of our water supply mains. The only protection against such occurrences is the elimination of such cross connections or the isolation of such hazards from the water supply lines by properly installed approved backflow prevention devices.

B. Plan of Action

The City of Parsons Water Department is determined to take every reasonable precaution to see that cross connections are not allowed to contaminate the water being distributed to its customers. This cross connection plan outlines a program of action designed to control cross connections within the area served by the utility. This plan is intended to be a practical guide for safeguarding the quality of water distributed from becoming contaminated or polluted through backflow.

II. Authority for Controlling Cross Connections

A copy of the ordinance is attached to this plan. This ordinance prohibits cross connections within the water system, authorizes the system to make inspections of the customer's premises, requires that cross connection hazards be connected and provides for enforcement.

III. Program to be Pursued

The City of Parsons Water Department will establish and active on-going cross connection program. This program is to be a continuing effort to locate and correct all existing cross connection hazards and to discourage the creation of new problems. Safeguarding the quality of water being distributed to our customers is a high priority concern of the management of the City of Parsons Water Department

A. Staffing

The City of Parsons Water Department has designated an individual to see that the program to control cross connections is pursued in an aggressive and effective manner. It is proposed that ample time will be devoted to the program to ensure its effectiveness. Additional personnel will be added as is deemed necessary.

B. The City of Parsons Water Department will visit the premises of all customers likely to have cross connections. The various water users within the premises will be investigated to determine if backflow can occur. Follow-up visits will continue until the threat of backflow has been corrected. In addition, routine visits will be made periodically to determine if backflow prevention measures are maintained, and are functioning properly and that new cross connections have not been created.

C. Public Awareness Efforts

The City of Parsons Water Department recognizes that it is important to inform its customers of the health hazards associated with cross connections and to acquaint them with the program being pursued to safeguard the quality of water being distributed. The water system will seek to acquaint the customers with the health hazards associated with cross connections in an effort to get their cooperation.

D. Customer's Responsibility

Cross connections, created and maintained by the customer for his convenience, endanger the health and safety of all who depend upon the public water supply. Therefore, the customer who creates a cross connection problem shall bear the expense of providing necessary backflow protection and for keeping the protective measures in good working order.

E. Enforcement

Where cross connections exist, the water system will require the problem to be eliminated or isolated by a properly installed, approved backflow prevention device to prevent the possibility of backflow into the distribution system. Such protective measures will include, where internal corrections do not fully protect the

water system, a backflow protection device on the customer's water service line ahead of any water outlets. Every effort will be made to secure the voluntary cooperation of the customer in correcting cross connection hazards. If voluntary corrective action can not be obtained within a reasonable period of time, water service will be discontinued, for the protection of the health and safety of the other customers.

IV. Scheduling Inspections

The selection of existing premises for cross connection surveys will be made on the basis of suspected hazard. In general, those customers suspected of having the most hazardous cross connections will be investigated first. Investigations shall continue until all premises considered likely to have cross connection problems have been investigated. Follow-up visits will be made to ensure that all customers having problems are in compliance.

V. Procedures for Inspections

The City of Parsons Water Department will make every effort to inform customers of potential problems at their facilities. Inspections will involve the customer's entire internal water delivery system. The findings will be reported to the owner or occupant in writing along with a request for need corrective action necessary to properly protect the public water system.

A. Since some customers may need to make preparation for a visit, these customers will be notified that a survey is being scheduled. Arrangement will be made in advance for someone, who is knowledgeable about the facilities plumbing, to accompany the inspector during the survey.

B. Unannounced Visits

The City of Parsons Water Department plans to make unannounced visits to some facilities. These visits will be made where (1) no difficulty is expected in locating the occupant or a knowledgeable representative, (2) where unannounced visits will not be disruptive, (3) where advanced warning could result in an unrealistic picture of typical water usage.

C. Field Visit Procedures

During the investigation, a detailed survey sheet will be completed. This sheet will explain problem areas and recommendations to correct these problems. A follow-up letter will be send to each customer inspected.

D. Follow-up Visits and Re-inspections

Follow-up visits will be made as needed to assist the customer and to assure that corrective action has been taken.

E. Installation of Backflow Prevention Devices

The City of Parsons Water Department will provide each customer who is required to install a backflow device with a complete set of installation requirements. The system's representative will inspect each installation before it is approved.

F. Technical Assistance

The system will offer assistance as needed to ensure compliance.

VI. Protective Measures Required

A. The City of Parsons Water Department will evaluate the customer's entire internal water delivery system and make a determination of the best means to prevent cross connection. Where the survey reveals that internal devices may be used to remove the hazard, the water system will take this into consideration and will discuss this with the customer.

B. Main-line Protection

Main-line protection or protective devices on the customer's service line, will be required on all premises where the water system has reservations that anything less could compromise the goal of the water system to deliver safe water under all unforeseeable circumstances to all of its customers.

C. Acceptable Protective Devices

All backflow prevention devices used for the protection of the water system must be of a make and model acceptable to the City of

Parsons Water Department and the Division of Water Supply. Installation must meet the minimum standards of the City of Parsons Water Department and the Division of Water Supply.

VII. Installation and Testing of Protective Measures

A. Approval of New Installations

All new installations must be inspected and approved by the City of Parsons Water Department.

B. Routine Inspection and Testing of Protective Measures

To assure that all devices are functioning promptly, the City of Parsons Water Department will make routine inspections at least annually.

C. Routine Re-visits

Re-visits will be made to ensure that no new hazards have been created and that no protective device has been altered or bypassed. Where service line protection is not in place, a complete inspection of the customer's facility will be made.

D. Re-inspection of Other Premises

Premises where no cross connection existed will be routinely re-inspected if there is a probability that a cross connection could occur in the future.

VIII. Premises Requiring Maximum Protection Measures

A. Where cross connections are found which pose an extreme hazard of immediate concern, the cross connection inspector shall require immediate corrective action to be taken. In the case of non-compliance, immediate steps will be taken to discontinue water service until corrective action is taken.

B. Premises of Less Immediate Concern

In cases where there is less likelihood, a reasonable time period will be allowed for corrections. The time to correct problems will never exceed ninety days.

IX. Testing of Protective Devices

The City of Parsons Water Department recognizes that it is essential that competent testers test backflow prevention devices on a regular basis.

A. Routine Testing of Devices

All reduced pressure backflow devices, double check valves and double detector checks will be tested by a trained certified tester in keeping with the following criteria:

1. Immediately following installation
2. At least annually and more frequently in high hazard cases
3. Any time a device has been partially disassembled for cleaning or repairs
4. Where it is apparent that the device may not be functioning properly

B. Repairs

Following repairs, a protective device will require testing to ensure that it is operating properly, This testing is to be performed by a competent certified tester. The owner will bear all cost associated with repairs of devices.

C. Official Tests

Representatives of the City of Parsons Water Department will perform routine tests of protective devices. The cost of these tests will be passed on to the owner of the device.

D. Prior Arrangements for Testing

When possible prior arrangements will be made for a mutually agreeable time for testing of devices.

E. Parallel Units

Where the customer cannot readily accommodate interruptions of water service for testing, parallel units should be installed.

Records

Good records are invaluable in the water system's efforts to safeguard the quality of water being distributed against degradation from backflow through cross connections. The City of Parsons Water Department will maintain adequate records in their permanent files. These records will include inspection forms, test results forms, agreements with customers and copies of correspondence with customers or the state.

ORD-1

ORDINANCE NO. 165

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF PARSONS TENNESSEE.

WHEREAS some of the ordinances of the City of Parsons 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 Parsons, 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 "Parsons Municipal Code," now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARSONS, 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 "Parsons 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 appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said 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 in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars ($500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."[1]

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

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[1]State law reference

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

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

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The 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 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

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

Section 10. 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, May 7, 2001.

Passed 2nd reading, June 4, 2001.

R C Montgomery
Mayor

Judy Dawkins
Recorder