THE

PEGRAM

MUNICIPAL

CODE

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

April 2003

Change 3
December 5, 2022

TOWN OF PEGRAM, TENNESSEE

MAYOR

John Louallen

VICE MAYOR

Bob Sanders

ALDERMEN

Randy Howington, Jr.

Michel Paszek

Robert "Bo" Sanders, III

RECORDER

Tina Morehead

PREFACE

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

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

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

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

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

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

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

(3) That the Town agrees to 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 Dianna Habib, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE TOWN CHARTER

1. An ordinance shall be considered and adopted on two (2) separate days; any other form of board action shall be considered and adopted on one (1) day. Any form of board action shall be passed by a majority of the members present, if there is a quorum. A quorum is a majority of the members to which the board is entitled. All ayes and nays on all votes on all forms of board action shall be recorded. (6-2-102)

2. Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the municipality. No ordinance shall take effect until the ordinance or its caption is published. (6-2-101)

Change 3
December 4, 2022

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TITLE 1

GENERAL ADMINISTRATION[1]

CHAPTER

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

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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, chapter 2.
Utilities: titles 18 and 19.
Wastewater treatment: title 18, chapter 2.
Zoning: title 14.

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[1]

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Terms of office.
1-105. Compensation.
1-106. Repealed.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 7:00 P.M. (CST) on the last Monday of each month at the Pegram Town Hall Building, excluding the month of May, when the regular monthly meeting shall be held on the third Monday of the month, and excluding the months of November and December, when the regular monthly meetings for those months shall be combined and held on the first Monday of December at 7:00 P.M. (CST). (1990 Code, § 1-102, as amended by Ord. #2000-11, Feb. 2000, Ord. #2020-136, Feb. 2020 ***Ch3_12-05-22***, and Ord. #2022-144, March 2022 ***Ch3_12-05-22***)

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[1]Charter references

For charter provisions related to the board of mayor and aldermen, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the board of mayor and aldermen, see the following sections:

- City Administrator: § 6-4-101.
- Compensation: § 6-3-109.
- Duties of Mayor: § 6-3-106.
- Election of the board: § 6-3-101.
- Oath: § 6-3-105.
- Ordinance procedure
  - Publication: § 6-2-101.
  - Readings: § 6-2-102.
- Residence requirements: § 6-3-103.
- Vacancies in office: § 6-3-107.
- Vice-Mayor: § 6-3-107.

Municipal code reference

Ord. #1999-6, March 1999, which increases the number of aldermen from 2 to 4 and institutes staggered terms of office, is available in the office of the recorder.

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with, in whole or in part 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, members of the board of mayor and aldermen, and other officers.

(7) Old business.

(8) New business.

(9) Adjournment. (1990 Code, § 1-103, modified)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1990 Code, § 1-104, modified)

1-104. Terms of office. In accordance with Tennessee Code Annotated, § 6-1-403 staggered four year terms of office are established for the board of mayor and aldermen as follows:

(1) The adoption of the ordinance upon which this section is based shall not affect the terms of the present board of mayor and aldermen.

(2) At the first municipal election following the adoption of the ordinance upon which this section is based, members of the board of mayor and aldermen shall be elected for transitional three year term.

(3) Following the adoption of the ordinance upon which this section is based and the first election thereafter, all terms of office for mayor and aldermen shall be four (4) years. (1990 Code, § 1-101)

1-105. Compensation. The mayor's salary shall be twelve hundred dollars ($1200.00) per year. The aldermen's salary shall be nine hundred dollars ($900.00) per year. All salaries shall be paid monthly. (1990 Code, § 1-105)

1-106. Repealed. (as added by Ord. #2009-74, May 2009, amended by Ord. #2010-85, Sept. 2010, and repealed by Ord. #2015-103, May 2015)

CHAPTER 2

MAYOR[1]

SECTION
1-201. Reports.
1-202. Executes town's contracts.

1-201. Reports. The mayor may require such reports from town officers and employees as he/she may reasonably deem necessary to carry out the executive responsibilities of the mayor's office.[2] (1990 Code, § 1-201, as replaced by Ord. #2009-75, May 2009)

1-202. Executes town's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1990 Code, § 1-202)

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[1]Charter references
For charter provisions related to the mayor, see Tennessee Code Annotated, title 6, chapter 3. For specific charter provisions related to the mayor, see the following sections:
Vacancies in office: § 6-3-107.
Vice-Mayor: § 6-3-107.

[2]Charter reference
Duties of mayor: § 6-3-106.

CHAPTER 3

RECORDER[1]

SECTION

1-301. To be bonded.
1-302. To keep minutes, etc.
1-303. To perform general administrative duties, etc.
1-304. Compensation.

1-301. To be bonded. The town recorder shall be bonded in the minimum amount of fifty thousand dollars ($50,000.00) to adequately insure the performance of his/her duties. Such bond shall be issued by an authorized company organized and existing under the laws of the State of Tennessee to write such bonds. It is not necessary that the town secure a supplemental bond for the town recorder as long as the insurance coverage provided for all town employees and officers is in an amount sufficient to insure the recorder individually in an amount equal to or greater than fifty thousand dollars ($50,000.00) per occurrence/event. (1990 Code, § 1-301, as replaced by Ord. #2010-80, May 2010)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1990 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the town which are not assigned by the charter, this code, or the board of mayor and aldermen to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers. (1990 Code, § 1-303)

1-304. Compensation. The compensation for the recorder shall be set by the board of mayor and aldermen and included in the annual budget. (1990 Code, § 1-304)

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[1]Charter references
City recorder: § 6-4-201, et seq.
Recorder as treasurer: § 6-4-401(c).
Recorder as judge: § 6-4-301(b)(1)(C).

CHAPTER 4

PUBLIC RECORDS

SECTION

1-401. Definitions.
1-402. Requesting access to public records.
1-403. Responding to public records requests.
1-404. Inspection of records.
1-405. Copies of records.
1-406. Fees and charges and procedures for billing and payment.

1-401. Definitions. (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-203(1)(c) of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian. For the Town of Pegram, the public records request coordinator shall be the city recorder.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (Ord. #1998-09, Nov. 1998, as amended by Ord. #2007-46, May 2007, and replaced by Ord. #2009-72, May 2009, and Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

1-402. Requesting access to public records. (1) Public record requests shall be made to the public records request coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the request or for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing[1] at Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143 or by phone at 615-646-0773, or by email to recorder@pegram.net.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing[2] either in person or through mail to Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143, or by email to recorder@pegram.net.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records. (Ord. #1998-09, Nov. 1998, modified, as deleted by Ord. #2009-72, May 2009, and replaced by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

4-403. <u>Responding to public records requests</u>. (1) <u>Public record request coordinator</u>. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the Town is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The town is not the custodian of the requested records.

(E) The records do not exist.

[1,2]A copy of the Public Records Request Response Form may be found in the recorder's office.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

(iv) Forward the records request to the appropriate records custodian in the Town of Pegram.

(c) The designated PRRC(s) is(are):

(i) Name or title: city recorder.

(ii) Contact information: 308 Hwy 70 East, Pegram, TN 37143, 615-646-0773 or recorder@pegram.net.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the request or a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in wilting as provided in § 4-403(1)(b)(ii) and may use the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the request or that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given

for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

4-404. Inspection of records. (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the Town of Pegram shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

4-405. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Pegram City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Under no circumstances will a requestor-provided external storage device or other device be allowed to connect to city hardware or software. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

4-406. Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges in writing prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed two dollars ($2.00), the fees may be waived. Requests for waivers for fees above two dollars ($2.00) must be presented to the city recorder, who is authorized to determine if such waiver is in the best interest of the Town of Pegram and for the public good. Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents ($0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents ($0.50) per page for letter- and legal-size color copies.

(c) Labor when time exceeds one (1) hour.

(d) If an outside vendor is used, the actual costs assessed by the vendor.

(4) No duplication costs will be charged for requests for less than ten (10) pages.

(5) Payment is to be made in cash, personal check, cashier's check or money order payable to the Town of Pegram and presented to the records custodian.

(6) Payment in advance will be required when costs are estimated to exceed twenty dollars ($20.00).

(7) Aggregation of frequent and multiple requests. (a) The Town of Pegram will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) Method of aggregating:

(i) Records requests will be aggregated at the city level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to, agendas and approved meeting minutes. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

CHAPTER 5

CODE OF ETHICS[1]

SECTION

1-501. Applicability.
1-502. Definition of "personal interest."
1-503. Disclosure of personal interest by official with vote.
1-504. Disclosure of personal interest in non-voting matters.
1-505. Acceptance of gratuities, etc.
1-506. Use of information.
1-507. Use of municipal time, facilities, etc.
1-508. Use of position or authority.
1-509. Outside employment.
1-510. Ethics complaints.
1-511. Violations.

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

Campaign finance: Tennessee Code Annotated, title 2, ch. 10.

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

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

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

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

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

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

1-501. Applicability. This chapter is the code of ethics for personnel of the Town of Pegram. 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 town. The words "municipal" and "town" or "Town of Pegram" includes these separate entities. (as added by Ord. #2007-49, June 2007)

1-502. Definition of "personal interest." (1) For purposes of §§ 1-503 and 1-504, "personal interest" means:

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

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

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

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

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #2007-49, June 2007)

1-503. Disclosure of personal interest by official with 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 or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself[1] from voting on the measure. (as added by Ord. #2007-49, June 2007)

1-504. Disclosure of personal interest in non-voting 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 or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #2007-49, June 2007)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the town:

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

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #2007-49, June 2007)

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

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (as added by Ord. #2007-49, June 2007)

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

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the town council to be in the best interests of the town. (as added by Ord. #2007-49, June 2007)

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

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that are not authorized by the charter, general law, or ordinance or policy of the town. (as added by Ord. #2007-49, June 2007)

1-509. Outside employment. A full-time employee of the town may not accept any outside employment without written authorization from the mayor. (as added by Ord. #2007-49, June 2007)

1-510. Ethics complaints. (1) The town attorney is designated as the ethics officer of the town. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

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

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

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the town council, the town 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 town council determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the town council.

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #2007-49, June 2007)

1-511. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the town council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #2007-49, June 2007)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. BOARD OF SEWERAGE COMMISSIONERS.
2. COMMITTEE OF THE WHOLE.
3. PEGRAM EMERGENCY MANAGEMENT PROGRAM.

CHAPTER 1

BOARD OF SEWERAGE COMMISSIONERS

SECTION

2-101. Composition of board.

2-101. Composition of board. Pursuant to Tennessee Code Annotated, § 7-35-406(a), the board of mayor and aldermen shall perform the duties required of the board of sewerage commissioners. (Ord. #2002-09, April 2002)

CHAPTER 2

STAFF MEETINGS

SECTION

2-201. Date of meetings.

2-201. Date of meetings. Staff meetings will be held on the second Thursday of each month. (as added by Ord. #2009-71, March 2009, amended by Ord. #2010-87, Dec. 2010, and replaced by Ord. #2013-97, Feb. 2013)

CHAPTER 3

PEGRAM EMERGENCY MANAGEMENT PROGRAM

SECTION

2-301. Creation of Pegram Emergency Management Program.
2-302. Pegram Emergency Management Board.
2-303. Emergency management powers.

2-301. Creation of Pegram Emergency Management Program. Pursuant to Tennessee Code Annotated, § 58-2-110, the board of mayor and aldermen hereby establishes a Pegram Emergency Management Program ("the PEM Program"), which will coordinate its activities with those of the Cheatham County emergency management agency, including requests for state or federal emergency response assistance within the county. The PEM Program shall comply with all pertinent laws, rules and regulations applicable to county emergency management agencies. (as added by Ord. #2010-77, Feb. 2010)

2-302. Pegram Emergency Management Board. (1) Board. The Pegram Emergency Management Board ("the PEM Board") is created to manage emergencies and/or disasters occurring within the town limits of Pegram, Tennessee. The PEM Board will develop a municipal emergency operations plan (the "plan"), reviewed annually, in order to control and coordinate all emergency operations under the PEM Program consistent with and subject to the applicable county emergency management plan.

(2) Members. The PEM Board consists of nine (9) members, as follows: The PEM Director, the PEM Assistant Director, five (5) at-large members from the community as appointed by the mayor, one (1) representative from and designated by the Pegram Volunteer Fire Department, and one (1) representative from and designated by the board of mayor and aldermen. PEM Boardmembers serve without compensation.

(3) Officers. The board of mayor and aldermen shall appoint both a director and assistant director to the PEM Board.

The minimum requirements for serving as director are:

(a) Resident of Pegram, Tennessee during term of service;

(b) May not concurrently serve as an elected official;

(c) Attendance at periodic training courses related to emergency management;

(d) Attendance at municipal disaster planning sessions;

(e) Attendance at least once annually at a meeting of the Cheatham County E 911 Board;

(f) One (1) year experience in emergency/disaster management or the combined educational and work experience equivalent; and,

(g) Basic computer skills.

(4) Terms. PEM Boardmembers serve the following terms:

(a) The director, fire department representative, and three (3) at-large community representatives serve three (3) year terms each.

(b) The assistant director, board of mayor and aldermen representative, and two (2) at-large community representatives serve two (2) year terms each.

(c) Terms may be served consecutively.

(5) Meetings. The PEM Director shall call at least four (4) quarterly meetings of the PEM Board each year with adequate notice of the date, time and place of all meetings provided to the public. All meetings of the PEM Board are open to the public. (as added by Ord. #2010-77, Feb. 2010, and amended by Ord. #2010-86, Oct. 2010, and Ord. #2013-98, April 2013)

2-303. Emergency management powers. (1) The mayor has the power and authority to:

(a) Declare a state of local emergency affecting only the Town of Pegram. The duration of each state of emergency is limited to seven (7) days but may be extended, as necessary, in seven (7) day increments; and

(b) Declare a local state of emergency in order that certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses may be considered to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration. The Chief Local Elected Official ("CLEO") may declare a local state of emergency prospectively in anticipation of an emergency.

(c) In the event the mayor is absent or unable to act on behalf of the town, the vice mayor, or acting vice mayor appointed by the board of mayor and aldermen, is authorized to declare a local state of emergency for a period of forty-eight (48) hours, which may be extended as necessary in forty-eight (48) hour increments unless otherwise determined by the board of mayor and aldermen.

(2) The board of mayor and aldermen exclusively retain the power and authority to:

(a) Provide general oversight of the emergency management program;

(b) Appropriate and expend funds;

(c) Make contracts;

(d) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(e) Assign and make available for duty town offices and agencies, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related

services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary Pegram Emergency Management forces for employment within or outside town limits;

(f) Request state assistance or invoke emergency-related mutual-aid assistance once the mayor declares a state of local emergency affecting only the Town of Pegram. The duration of each state of emergency is limited to seven (7) days but may be extended, as necessary, in seven (7) day increments;

(g) During a state of emergency, waive the procedures and formalities otherwise required by law pertaining to:

(i) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(ii) Entering into contracts;

(iii) Incurring obligations;

(iv) Employment of permanent and temporary workers;

(v) Utilization of volunteer workers;

(vi) Rental of equipment;

(vii) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(viii) Appropriation and expenditure of public funds; and

(3) The PEM Board has the power and authority to:

(a) Develop, implement and preserve a municipal emergency operations plan;

(b) Direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(c) Gather and distribute equipment, materials, and supplies for emergency management purposes;

(d) Provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency;

(e) Establish, as necessary, a primary and one (1) or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations; and

(f) All other powers granted by the board of mayor and aldermen from time to time as necessary.

(4) The director, and then the assistant director acting as the director's appointee, is authorized to and shall:

(a) Act as the town designee in all interactions and coordination with county, state and federal emergency management agencies;

(b) Oversee all emergency operations and assistance to victims of any emergency;

(c) Preside at all meetings of the PEM Board; and

(d) Report to the board of mayor and aldermen on at least a quarterly basis. (as added by Ord. #2010-77, Feb. 2010, and amended by Ord. #2010-86, Oct. 2010)

TITLE 3

MUNICIPAL COURT[1]

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

CHAPTER 1

MUNICIPAL JUDGE

SECTION
3-101. Establishment of a town court and its officials.
3-102. Municipal judge.

3-101. Establishment of a town court and its officials. (1) A town court hereby is created in the Town of Pegram, Tennessee for the purpose of hearing all cases for violation of or arising under the laws and ordinances of the municipality. In addition, the town court shall possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if:

(a) The maximum penalty prescribed by state law for the state criminal offense is a fine of fifty dollars ($50.00) or less and/or imprisonment for thirty (30) days or less, or both; and

(b) The maximum penalty for the municipal violation is a civil fine not more than fifty dollars ($50.00).

(2) The office of municipal judge hereby is created in the Town of Pegram, Tennessee, and the municipal judge shall have jurisdiction in and over all cases for the violation of, and all cases arising under, the laws and ordinances of the municipality.

(3) The office of court clerk hereby is created in the Town of Pegram, Tennessee, and at all times there shall be a person appointed, elected or otherwise designated to serve as clerk of the municipal court. Immediately after such appointment, election or designation, the mayor shall notify the administrative office of the courts and provide any additional information concerning the clerk as may be required by the administrative director. The

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[1]Charter references
City Judge--City Court: § 6-4-301.

clerk shall attend mandatory annual training in accordance with those requirements set forth hereunder at § 3-102(6), unless the court clerk is also a municipal clerk or town recorder who is required to be certified pursuant to Tennessee Code Annotated, § 6-54-120. (as added by Ord. #2005-30, May 2005)

3-102. Municipal judge. (1) Powers and function. The municipal judge is vested with the judicial powers and functions of the mayor or town recorder of the Town of Pegram and is subject to the provisions of law and the town charter governing the municipal court presided over by the mayor or town recorder. In addition, the municipal judge is authorized to administer oaths.

(2) Qualifications. (a) The municipal judge shall be a minimum of thirty (30) years of age, be licensed by the State of Tennessee to practice law, and be a resident of the State of Tennessee. If the municipal judge for any reason no longer maintains his domicile in the State of Tennessee after his or her appointment, such removal of domicile shall automatically create a vacancy in the office of municipal judge.

(b) No municipal judge shall hold any other office or employment in the town concurrently with his employment as municipal judge. The town attorney may not serve as municipal judge for the town while employed as the attorney.

(3) Appointment and term. The municipal judge designated by the charter to handle judicial matters within the town shall be appointed by the board of mayor and aldermen, to serve at the pleasure of the board of mayor and aldermen, for a term of two (2) years, or until the next regular town election to fill vacancies in the office of mayor and/or aldermen next following the appointment of the municipal judge, whichever period is shorter.

(4) Vacancies in office. Vacancies in the office of the municipal judge arising from resignation, disqualification or for any other reason whatsoever, shall be filled in the same manner and for the same term prescribed for the appointment of the municipal judge.

(5) Oath and bond required. The municipal judge shall take an oath of office to support the constitutions of the United States and the State of Tennessee, to uphold the laws of the State of Tennessee and the laws and ordinances of the Town of Pegram, and to faithfully discharge the duties of the office of municipal judge, before any officer authorized to administer oaths. The municipal judge shall be bonded, if necessary, in the amount of fifty thousand dollars ($50,000.00), by an authorized company organized and existing under the laws of the State of Tennessee to write such bonds. The cost of making any such bond of the municipal judge shall be paid by the Town of Pegram.

(6) Training required. All municipal court judges and municipal court clerks are required to complete three (3) hours of training or continuing education courses each calendar year. The Town of Pegram, Tennessee shall bear the expense of travel costs associated with the training and will reimburse the municipal judge and court clerk pursuant to the travel reimbursement

regulations and policy adopted by the town. The administrative office of the courts will monitor and ensure that clerks and judges comply with the requirements of and receive the annual training.

(7) Conference required. Every municipal judge shall be required to attend the annual Tennessee Municipal Judges Conference, unless unable to do so because of physical incapacity. The municipality is responsible for expenses incurred in attending the annual conference and shall reimburse the same to the municipal judge and court clerk pursuant to the travel reimbursement regulations and policy adopted by the town.

(8) Salary. The salary of the municipal judge shall be fixed by the board of mayor and aldermen before the municipal judge's appointment and shall not be altered during the municipal judge's term of service.

(9) Judge pro tem. During the absence of the municipal judge from his or her duties for any reason for more than thirty (30) days, or at any time the office of the municipal judge is vacant, the board of mayor and aldermen may appoint a municipal judge pro tem to serve until the municipal judge returns to his or her duties or until the office of municipal judge is no longer vacant. The municipal judge pro tem shall have all the powers granted and qualifications required of the municipal judge. The municipal judge pro tem shall receive the salary fixed for the municipal judge who preceded the judge pro tem in office. (1990 Code, § 1-501, as replaced by Ord. #2004-08, Feb. 2004, and replaced and renumbered by Ord. #2005-30, May 2005)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.
3-202. Imposition of fines, penalties, and costs.
3-203. Imposition of town litigation tax.
3-204. Disposition and report of fines, penalties, costs and taxes.
3-205. Disturbance of proceedings.

3-201. Maintenance of docket. The municipal 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. (1990 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. (1) All fines, penalties and costs shall be imposed and recorded by the municipal judge on the municipal court docket in open court.

(2) In all cases heard or determined by him, the municipal judge shall tax in the bill of costs those amounts set by the board of mayor and aldermen by resolution from time to time as is necessary. (1990 Code, § 1-507, as replaced by Ord. #2004-11, July 2004)

3-203. Imposition of town litigation tax. (1) A town litigation tax is hereby levied on the appropriate cases in town court in an amount, not to exceed the state litigation tax of thirteen dollars and seventy-five cents ($13.75), as specified by the board of mayor and aldermen by resolution from time to time as is necessary.

(2) The privilege taxes levied pursuant to this chapter shall be paid to the town recorder monthly to be used for any and all municipal purposes. (1990 Code, § 1-510, as replaced by Ord. #2004-11, July 2004)

3-204. Disposition and report of fines, penalties, costs and taxes.

(1) All funds coming into the hands of the municipal judge shall be turned over to the court clerk. All funds coming into the hands of the court clerk in the form of fines, penalties, costs, forfeitures and taxes shall be recorded by the clerk and paid over daily to the Town of Pegram, Tennessee.

The clerk shall maintain accurate and detailed record and summary report of all financial transactions and affairs of the court, which shall reflect all disposed cases, assessments, collections, suspensions, waivers and transmittals of litigation taxes, court costs, forfeitures, fines, fees and any other

receipts and disbursements. At the end of each month the clerk shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, costs and taxes imposed by the town court during the current month and to date for the current fiscal year. An annual audit of the financial records and transactions of the court shall be made by the town.

(2) After receiving funds collected as court cost from the court clerk each month, the town recorder shall pay over to the state one dollar ($1.00) of the court cost collected on each case to be used as an "education fee" to fund training programs for judges and clerks. The one dollar ($1.00) fee shall be in addition to any litigation tax collected. The said fee shall not be added to the town's court cost, but shall be paid to the state out of the existing court cost. (1990 Code, § 1-511, as replaced by Ord. #2004-11, July 2004, and Ord. #2005-29, May 2005)

3-205. Disturbance of proceedings. (1) It shall be unlawful for any person to willfully fail to appear in court for violation of a municipal ordinance.

(2) It shall be unlawful for any person to willfully create any disturbance of any trial before the municipal court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever.

(3) Any disturbance of the proceedings of the municipal court may constitute a contempt of court, punishable by a fine of fifty dollars ($50.00) per violation or imprisonment, or both. (as added by Ord. #2004-11, and replaced by Ord. #2005-29, May 2005)

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 municipal judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1990 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the municipal judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender personally to appear before the municipal court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the municipal code or ordinance alleged to have been violated. Upon failure of any person to appear before the municipal 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. (1990 Code, § 1-504)

3-303. Issuance of subpoenas. The municipal 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. (1990 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 municipal 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 municipal court clerk, or in the absence of the municipal court clerk, with the ranking police officer on duty at the time, provided such alleged offender is not under the influence of alcohol or drugs. (1990 Code, § 1-506)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the municipal court against him may, within ten (10) days, excluding Sundays, after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1990 Code, § 1-508, as replaced by Ord. #2005-31, May 2005)

3-403. Bond amounts, conditions, and forms. (1) An appearance bond in any case before the municipal court shall be in such amount as the municipal judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the municipal court at the stated time and place.

(2) An appeal bond in any case shall be in the sum of two hundred fifty dollars ($250.00), to insure the defendant's appearance and the faithful prosecution of the appeal, and shall be conditioned such that if the circuit court shall find against the appellant, the fine or penalty and all costs of the trial and appeal shall be promptly paid by the appellant and/or his sureties.

(3) An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property within the county. No other type bond shall be acceptable. (1990 Code, § 1-509, as replaced by Ord. #2005-31, May 2005)

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[1]State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY

SECTION
4-101. Policy and purpose as to coverage.
4-102. Necessary agreements to be executed.
4-103. Withholdings from salaries or wages.
4-104. Appropriations for employer's contributions.
4-105. Records and reports.
4-106. Exemptions from coverage.
4-107. Additional exemptions from coverage.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this town to provide for all eligible employees and officials of the town, 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 town shall take such action as may be required by applicable state and federal laws or regulations. (1990 Code, § 1-601)

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. (1990 Code, § 1-602)

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. (1990 Code, § 1-603)

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. (1990 Code, § 1-604)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1990 Code, § 1-605)

4-106. Exemptions from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not now covered or authorized to be covered by any other ordinances creating any retirement system for any employee or official of the town or any employee or official or position not authorized to be covered under applicable state or federal laws or regulations. (1990 Code, § 1-606)

4-107. Additional exemptions from coverage. There is also excluded from this chapter any authority to make any agreement with respect to the following listed classifications of employees and officials in all departments of town government.

(1) Elective officials engaged in rendering "executive" services.

(2) Elective officials engaged in rendering "legislative" services.

(3) Election workers or election officials if the remuneration paid for such services is less than $100 in a calendar year. (1990 Code, § 1-607)

CHAPTER 2

PERSONNEL REGULATIONS[1]

SECTION

4-201. Personnel policies manual.
4-202. [Deleted.]
4-203. [Deleted.]
4-204. [Deleted.]
4-205. [Deleted.]
4-206. [Deleted.]
4-207. [Deleted.]
4-208. [Deleted.]

4-201. Personnel policies manual. A comprehensive, uniform policy for the systematic application of good procedures in personnel administration with all the benefits such program ensures, without regard to race, gender, age, national origin, creed, ancestry, and disability, shall be established by resolution and updated, revised and/or repealed as is necessary, from time to time, as determined by the board of mayor and aldermen. (1990 Code, § 1-701, as replaced by Ord. #2008-66, Jan. 2009, and Ord. #2011-90, Dec. 2011)

4-202. [Deleted.] (1990 Code, § 1-702, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

4-203. [Deleted.] (1990 Code, § 1-703, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

4-204. [Deleted.] (1990 Code, § 1-704, modified, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

4-205. [Deleted.] (1990 Code, § 1-705, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

4-206. [Deleted.] (1990 Code, § 1-706, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

4-207. [Deleted.] (1990 Code, § 1-707, as amended by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

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[1]The personnel policies and procedures for the Town of Pegram are available in the recorder's office.

4-208. [Deleted.] (as added by Ord. #2008-66, Jan. 2009, and deleted by Ord. #2011-90, Dec. 2011)

CHAPTER 3

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-301. Enforcement.
4-302. Travel policy.
4-303. Travel reimbursement rate schedules.
4-304. Administrative procedures.

4-301. Enforcement. The Chief Administrative Officer (CAO) of the town or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #1993-6, Nov. 1993, as replaced by Ord. #2005-28, April 2005)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on town business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the town for registration fees, air fares, meals, lodging, conferences, and similar expenses. Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the town. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

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

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

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

(a) Directly related to the conduct of the town business for which travel was authorized; and

(b) Actual, reasonable, and necessary under the circumstances. The CAO may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

(7) Claims of five dollars ($5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the town are not ordinarily considered eligible expenses for reimbursement. (Ord. #1993-6, Nov. 1993, as replaced by Ord. #2005-28, April 2005)

4-303. Travel reimbursement rate schedules. (1) Authorized travelers shall be reimbursed according to the federal travel regulation rates. The town's travel reimbursement rates will automatically change when the federal rates are adjusted.

(2) The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #1993-6, Nov. 1993, as replaced by Ord. #2005-28, April 2005)

4-304. Administrative procedures. The town adopts and incorporates by reference—as if fully set out herein—the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the town recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after April 28, 2005. (Ord. #1993-6, Nov. 1993, as replaced by Ord. #2005-28, April 2005)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER
1. MISCELLANEOUS.
2. MUNICIPAL ADEQUATE FACILITIES TAX.
3. WHOLESALE BEER TAX.
4. DEBT MANAGEMENT POLICY.
5. INTERNAL FINANCIAL CONTROLS POLICY.
6. PRIVILEGE TAX ON NEW DEVELOPMENTS.
7. REAL AND PERSONAL PROPERTY TAX.

CHAPTER 1

MISCELLANEOUS

SECTION
5-101. Official depository for town funds.
5-102. Fiscal year of town.
5-103. Town council to approve budget increase.
5-104. Competitive bidding required.

5-101. Official depository for town funds. The Pegram Branch of the Community Bank & Trust of Cheatham County is hereby designated as the official depository for all town funds. (1990 Code, § 6-101, modified)

5-102. Fiscal year of town. The fiscal year of the town shall be the first of July through June 30 of the year next following. (1990 Code, § 6-102)

5-103. Town council to approve budget increase. Prior to the approval of any amendment to the annual budget that would increase appropriations for the expenditure of town funds, the town council shall approve a resolution that identifies a corresponding source of funds to cover the proposed additional expenditure, and/or identifies a corresponding reduction in expenditure to compensate for the proposed additional expenditure. (Ord. #1993-5, Nov. 1993)

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[1]Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

5-104. Competitive bidding required. Hereafter, the town shall seek competitive advertising and bidding for all purchases and public improvements for expenditures in excess of ten thousand dollars ($10,000.00) pursuant to Tennessee Code Annotated, § 6-56-306, as amended. All other provisions of the Municipal Purchasing Law of 1983 shall remain in full force and effect. (Ord. #1992-3, April 1992, modified)

CHAPTER 2

MUNICIPAL ADEQUATE FACILITIES TAX

SECTION

5-201. Short title.
5-202. Purpose.
5-203. Findings.
5-204. Authority.
5-205. Definitions.
5-206. Tax levy.
5-207. Prohibition of issuance of building permit.
5-208. Exemptions from tax.
5-209. Collection of tax.
5-210. Use and segregation of tax funds.
5-211. Authority to amend.
5-212. Protest of tax.
5-213. Additional authority.
5-214. Non-repealer.

5-201. Short title. This chapter shall be known and cited as the Pegram Municipal Adequate Facilities Tax. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-202. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Pegram to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Pegram. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-203. Findings. The board of mayor and aldermen hereby finds and declares that:

(1) Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.

(2) Anticipated continued growth from the expansion of Nashville is expected to accelerate due to the continuing location of manufacturing and commercial businesses in the Middle Tennessee area, and from other factors; and

(3) Current projections show that:

(a) County population will be forty-two thousand (42,000) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for approximately five thousand (5,000)

additional dwelling units between 1990 and 2010; and new residential and non-residential development will consume an additional three thousand (3,000) acres of land in Cheatham County;

(b) The majority of the projected growth in Cheatham County between 1990 and 2010 will occur within the boundaries of the incorporated municipalities within the county; and

(c) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, town governmental facilities, etc.) in an amount well in excess of ten million dollars ($10,000,000.00) over the next fifteen (15) years.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has adopted by resolution a capital improvements program indicating the need for and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Pegram utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development

(9) The tax herein imposed is in compliance with chapter 53, Private Acts of 1997.[1] (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-204. Authority. This chapter is imposed under the charter powers of the Town of Pegram, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by chapter 53, Tennessee Private Acts of 1997. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-205. Definitions. As used in this chapter, unless a different meaning appears from the context:

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[1]See page C-39 of this code for the complete text of Priv. Acts 1997, ch. 53.

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home, but excludes those buildings specified in § 5-208.

(2) "Building permit" means a permit for development issued in Pegram, as herein defined, within Cheatham County.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or non-residential use.

(5) (a) "Floor area" for non-residential development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such building or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portions thereof without walls but excluding arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area" for residential development means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space at a future date.

(6) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, §§ 13-4-201, 13-4-203 and 13-4-302. For the purposes of this chapter only, a general plan may consist solely of the land development plan element, which sets out a plan or scheme of future land usage.

(7) "Governing body" means the Board of Mayor and Aldermen of Pegram, Tennessee.

(8) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to Tennessee Code Annotated, §§ 13-4-201, 13-4-302, and 13-4-303, showing among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways."

(9) "Municipality" means the Town of Pegram.

(10) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(11) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(12) "Place of worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(13) "Public buildings" means buildings owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school district and special districts, or the federal government or any agency thereof.

(14) "Public facility or facilities" means a physical improvement undertaken by the municipality, including, but not limited to the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements benefitting the citizens of the municipality.

(15) "Residential" means the development of any property for a dwelling unit or units.

(16) "Subdivision regulations" means the regulations adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, § 13-4-303, by which the municipality regulates the subdivision of land.

(17) "Zoning resolution" means the ordinance adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, § 13-7-201, by which the municipality regulates the zoning, use and development of property. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-206. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax shall be due and collected by the municipality at the time of application for a building permit for development, as provided in § 5-209.

Tax rate schedule

New residential development:	$0.75 per gross square foot of floor area
New non-residential development:	$0.40 per gross square foot of floor area

(Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-207. Prohibition of issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in § 5-209. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-208. Exemptions from tax. No tax shall be assessed or collected for the development of:

(1) Public buildings;

(2) Places of worship;

(3) Barns or outbuildings used for agricultural purposes;

(4) Replacement structures for previously existing structures destroyed by fire or other disaster;

(5) Additions to a single-family dwelling;

(6) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code; and

(7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three (3) years. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-209. Collection of tax. (1) Each applicant for a building permit for development, as herein defined, shall state on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.

(2) The municipal official designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.

(3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit, but in no case shall a building permit issue until the tax is paid in full by the applicant to the municipality. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-210. Use and segregation of tax funds. All tax funds collected within the municipality as authorized herein, shall be deposited and accounted for in a special revenue or capital projects fund and shall be used for the purpose of public facilities to serve the residents of the municipality. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-211. **Authority to amend**. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-212. **Protest of tax**. Any person aggrieved by the decision of the municipal building official or other responsible official concerning any aspect of chapter 53, Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said Act. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-213. **Additional authority**. The authority to impose this privilege tax on new developments within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

5-214. **Non-repealer**. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Pegram. Chapter 53, Private Acts of 1997 and this chapter shall be deemed to create an additional and alternative method for the municipality to impose and collect taxes for the purpose of providing public facilities within the municipality. (Ord. #1998-2, April 1998, as replaced by Ord. #2004-19, Jan. 2005)

CHAPTER 3

WHOLESALE BEER TAX[1]

SECTION

5-301. To be collected.

5-301. To be collected. The town recorder is hereby directed to take appropriate action to assure payment to the town of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[2] (1990 Code, § 6-401)

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[1]Municipal code reference

Privilege tax on business of selling, distributing, storing or manufacturing of beer: § 8-215.

[2]State law reference

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

CHAPTER 4

DEBT MANAGEMENT POLICY

SECTION

5-401. Definition of debt.
5-402. Approval of debt.
5-403. Transparency.
5-404. Role of debt.
5-405. Types and limits of debt.
5-406. Use of variable rate debt.
5-407. Use of derivatives.
5-408. Costs of debt.
5-409. Refinancing outstanding debt.
5-410. Professional services.
5-411. Conflicts.
5-412. Review of policy.
5-413. Compliance.

5-401. Definition of debt. All obligations of the town to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of town resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type, whether from an outside source such as a bank or from another internal fund. (as added by Ord. #2011-91, Dec. 2011)

5-402. Approval of debt. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller's Office and the Pegram Board of Mayor and Aldermen prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the Pegram Board of Mayor and Aldermen; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (as added by Ord. #2011-91, Dec. 2011)

5-403. Transparency. (1) The town shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required, local newspapers, bulletin boards, and websites.

(3) All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the citizens, Pegram Board of Mayor and Aldermen, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, Pegram Board of Mayor and Aldermen, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, Pegram Board of Mayor and Aldermen, and other stakeholders in a timely manner. (as added by Ord. #2011-91, Dec. 2011)

5-404. Role of debt. (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the town will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(2) In accordance with Generally Accepted Accounting Principles (GAAP) and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (as added by Ord. #2011-91, Dec. 2011)

5-405. Types and limits of debt. (1) The town will seek to limit total outstanding debt obligations to twenty-two percent (22%) of the general fund gross revenue to apply to all debt service, excluding overlapping debt, enterprise debt, and revenue debt.

(2) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(3) The town's total outstanding debt obligation will be monitored and reported to the Pegram Board of Mayor and Aldermen by the finance director (or person serving as the town's chief financial officer) during the annual budget process. The finance director (or person serving as the town's chief financial officer) shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The finance director (or person serving as the town's chief financial officer) shall also report to the Pegram Board of Mayor and Aldermen any matter that adversely affects the credit or financial integrity of the town.

(4) The town is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(5) The town will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan.

(6) As a rule, the town will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the town may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the town.

(7) The town may use capital leases to finance short-term projects.

(8) Bonds backed with a general obligations pledge often have lower interest rates than revenue bonds. The town may use its general obligation pledge with revenue bond issues when the populations served by the revenue bond projects overlap or significantly are the same as the property tax base of the town. The Pegram Board of Mayor and Aldermen and management are committed to maintaining rates and fee structures of revenue supported debt at levels that will not require a subsidy from the town's general fund. (as added by Ord. #2011-91, Dec. 2011)

5-406. Use of variable rate debt. (1) The town recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the town also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks; including:

(a) The town will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the Pegram Board of Mayor and Aldermen shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the Pegram Board of Mayor and Aldermen shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the Pegram Board of Mayor and Aldermen will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation. (as added by Ord. #2011-91, Dec. 2011)

5-407. Use of derivatives. (1) The town chooses not to use derivatives or other exotic financial structures in the management of the town's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the Pegram Board of Mayor and Aldermen; and

(b) The Pegram Board of Mayor and Aldermen must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (as added by Ord. #2011-91, Dec. 2011)

5-408. Costs of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the Pegram Board of Mayor and Aldermen in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e., general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (as added by Ord. #2011-91, Dec. 2011)

5-409. Refinancing outstanding debt. (1) The town will refund debt when it is in the best financial interest of the town to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions. Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring for economic purposes. The town will refund debt when it is in the best financial interest of the town to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered by the chief financial officer if the refunding generates

positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) Term of refunding issues. The town will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) Escrow structuring. The town shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the town from its own account.

(e) Arbitrage. The town shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (as added by Ord. #2011-91, Dec. 2011)

5-410. Professional services. The town shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the town and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

(1) Counsel.[1] The town shall enter into an engagement letter agreement with each lawyer or law firm representing the town in a debt transaction, except for any lawyer who is an employee of the town or lawyer or law firm which is under a general appointment or contract to serve as counsel to the town. The town does not need an engagement letter with counsel not representing the town, such as underwriters' counsel.

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[1]The requirement for an engagement letter does not apply to any lawyer who is an employee of the town or any lawyer or law firm under a general appointment as counsel to the town and not serving as bond counsel for the transaction. If bond counsel for a debt transaction does not represent the town in that transaction, the town will enter into a fee payment letter agreement with such lawyer or law firm specifying:

(1) The party represented in the debt transaction; and

(2) The town's obligation with respect to the payment of such lawyer or law firm's fees and expenses.

(2) Financial advisor.[1] The town shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions. Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the town.

(3) Underwriter. The town shall require the underwriter, if any, to clearly identify itself in writing as an underwriter and not as a financial advisor from the earliest stages of its relationship with the town with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the town. The underwriter in a publicly offered, negotiated sale shall be required to provide pricing information, both as to interest rates and to takedown per maturity, to the governing body in advance of the pricing of the debt. (as added by Ord. #2011-91, Dec. 2011)

5-411. Conflicts. (1) Professional involved in a debt transaction hired or compensated by the town shall be required to disclose to the town existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the town to appreciate the significance of the relationships.

(2) Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (as added by Ord. #2011-91, Dec. 2011)

5-412. Review of policy. This policy shall be reviewed at least annually by the Pegram Board of Mayor and Aldermen with the approval of the annual budget. Any amendments shall be considered and approved in the same process

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[1]For new issues of debt which constitutes a "security" for which the time of formal award (as defined in Rule G-34(a)(ii)(C)(1)(a)) occurs after November 27, 2011, the Municipal Securities Rulemaking Board has prohibited broker, dealer or municipal securities dealer serving as a financial advisor to an issuer for a particular issue from switching roles and underwriting the same issue. Policies must be adjusted to comply with amended Rule G-23 as it applies to securities, including exceptions to the prohibition.

as the initial adoption of this policy, with opportunity for public input. (as added by Ord. #2011-91, Dec. 2011)

5-413. Compliance. The finance director (or person serving as the town's chief financial officer) is responsible for ensuring compliance with this policy. (as added by Ord. #2011-91, Dec. 2011)

CHAPTER 5

INTERNAL FINANCIAL CONTROLS POLICY

SECTION

5-501. Introduction.
5-502. Receipts and deposits of funds.
5-503. Check writing and disbursements.
5-504. Petty cash.
5-505. Town issued credit cards.
5-506. Missing receipt affidavit.
5-507. Credit card user agreement.
5-508. Violation of policy.

5-501. Introduction. The Town of Pegram has adopted and implemented this internal financial controls policy to safeguard public funds and to provide clear instructions to town officers and employees as to how such funds should be processed and recorded. All town officers and employees handling town funds shall be subject to the requirements of this policy. This policy may be amended from time to time by the board of mayor and aldermen. (as added by Ord. #2012-94, April 2012)

5-502. Receipts and deposits of funds. (1) The town clerk shall be responsible for opening all incoming mail and stamping "for deposit only" on all checks immediately upon receipt. This employee should also prepare a list of checks or payments and calculate the total amount of all money/checks received. In addition, any checks received without payment stubs shall be receipted in duplicate. The list of payments received shall be signed by this employee and remitted along with the money/checks, stubs and receipts to the town recorder for processing.

(2) All cash payments should be received by the town clerk who shall be responsible for preparing a written receipt and duplicate for all such funds. All cash and duplicate receipts should be turned over to the town recorder not later than the end of each business day. A daily collection report should be prepared by each employee receiving any cash payments summarizing all collections by source.

(3) Anytime custody of money changes from one employee to another the money should be counted by both. A pre-numbered receipt or other document recording the count should be prepared and signed by both employees indicating concurrence with the amount transferred. This document should be retained by the individual turning the money over.

(4) All deposits of cash, checks or other payments should be posted to the town's cash receipts journal by town clerk. The town recorder shall be responsible for making deposits and all collections must be deposited no later

than three (3) working days after initial receipt. Deposit receipts should also be retained and matched against the collection reports. (as added by Ord. #2012-94, April 2012)

5-503. Check writing and disbursements. (1) All persons with authority to write and sign checks on the behalf of the town shall be approved by resolution of the town's governing body.

(2) Two (2) authorized signatures are required for all checks. Before signing checks, each signator should review the supporting documentation (such as vendor invoices, purchase authorizations, etc.) to verify that the expenditure is legitimate before the check is signed.

(3) All debit/credit card statements should be reviewed by multiple persons, including by individuals independent of those who are authorized to use such cards, to ensure the legitimacy of the charges. All persons using town credit cards shall be specifically authorized to do so by resolution of the governing body and shall comply with § 5-505 herein. (as added by Ord. #2012-94, April 2012)

5-504. Petty cash. (1) Petty cash disbursements are only allowable for legitimate purposes, are not for personal use and must be properly documented. An invoice/receipt, accompanied by a written petty cash voucher/request, showing the items purchased, and signed by the person receiving the cash, is required in each transaction at the time the petty cash is withdrawn. The amount on hand and the petty cash vouchers and related invoices/receipts written must total to the originally authorized amount.

(2) The town recorder is responsible for monitoring the petty cash account and shall "audit" the petty cash account for any discrepancies at least once a week. This employee shall not make any withdrawals from petty cash.

(3) The petty cash account may be used only for withdrawals of less than fifty dollars ($50.00) and the total account balance shall not exceed two hundred dollars ($200.00). (as added by Ord. #2012-94, April 2012)

5-505. Town issued credit cards. (1) Introduction - general. The Town of Pegram has adopted and implemented this credit card policy to safeguard public funds and to provide clear instructions to town officers and employees that have been formally authorized to use town credit cards. All town officers and employees using town credit cards must be specifically authorized by resolution of the board of mayor and aldermen and shall be subject to the requirements of this policy as well as the Pegram Purchasing Policy. For the purposes of this policy, all authorized officers and employees shall be referred to as "cardholders." This policy may be amended from time to time by the board of mayor and aldermen.

A cardholder assumes responsibility for the protection and proper use of the card. Purchases with town credit cards must not conflict with the Town of

Pegram Purchasing Policy. The card should only be used by the authorized individual whose name appears on the card and use of the card shall not be delegated to other persons. Cardholders are responsible for all charges on the cards authorized to them. Cards and card numbers must be safeguarded against unauthorized use.

All credit card transactions will be visible via secure internet reporting tools and all cardholders' purchasing activity will be monitored by the finance department and reviewed by the town auditors. Credit cards are not intended to be used for normal, recurring expenses associated with normal department operations. Business accounts should be set up for recurring activities. Receipts for all purchases by credit card shall be forwarded to the town recorder.

It is the goal of the Town of Pegram to have all transactions sales tax exempt, when applicable. It is the cardholder's responsibility to notify the supplier, at the time of the transaction, if it will be exempt from sales tax.

The following situations are examples of misuse of the card:

(a) Purchases for personal benefit of the cardholder or another employee;

(b) Assignment or transfer of an individual card to another person;

(c) Use of the card by an unauthorized employee;

(d) Use of a card by a suspended or terminated employee;

(e) Purchases that are not for legitimate town and public purposes;

(f) Purchases in violation of the town purchasing policy;

(g) Splitting a purchase to avoid a single-purchase limitation;

(h) Use of the card for commodities, goods, or services at vendors with town accounts;

(i) Lack of proper and timely submission of all purchase receipts.

Any violations of this section may subject the employee to discipline, including termination.

(2) Credit card audits and documentation of purchases. The town's finance director, auditor and/or state auditors will make periodic audits to verify that commodities, goods, and services purchased have been received and that policies and procedures are being followed. Adequate documentation must be maintained to record all transactions at the source. If a receipt is lost, a missing receipt affidavit must be filled out by the cardholder.

(3) Disputing a transaction. If you as a cardholder believe a transaction is disputable, first contact the merchant to attempt resolution before beginning the official dispute process. Also, immediately notify your department head and the finance director of the disputed charge. In most cases, the merchant will credit (chargeback) your account and handle your needs in a professional manner. If you or your department head cannot resolve the transaction in dispute, Community Bank will follow standard regulations

outlined by the credit card company if the required written notification from the cardholder is received within sixty (60) days of the transaction date. A cardholder shall cooperate fully in dealing the with the credit card company for all disputed purchases.

(4) Cardholder responsibility and purchasing guidelines. When using the card, a cardholder is expending taxpayer funds and all credit card purchases must comply with town policies, including this policy, the purchasing policy and the internal financial controls policy. Expenditures are held to the highest degree of trust and accountability.

Cardholder privileges and procedures are contingent upon the following:

(a) Cardholder must obtain and preserve all receipts. Turn in all receipts to the town recorder regularly but at least monthly so that it may be compared with the credit card statement. Failure to produce adequate legible receipts will be subject to strict scrutiny by the finance department and town auditors. Proper forms of transaction documentation include an invoice with detail of items purchased, cash register receipt with detail of items purchased, sales slip with detail of items purchased, or handwritten receipt signed by an employee of the supplier/merchant that includes detail of items purchased. In the event a receipt is lost, a "missing receipt affidavit" is required in lieu of the receipt (see § 5-506).

(b) If a cardholder fails to turn in a receipt, he/she must submit a "missing receipt affidavit" (see § 5-506). Multiple failures to provide receipts may result in cancellation of the card and other disciplinary action.

(c) Cash back, cash refunds or rebates may not be received by the cardholder.

(d) Splitting of transactions is not allowable (making one (1) purchase into two (2) or more for the purpose of staying within spending limits).

(5) Lost or stolen cards. In the event of a lost, stolen or mutilated card, cardholders should immediately notify Community Bank at 800-447-3248 and the town finance department. Each town issued credit card must be kept in a safe place and away from other "magnetized" stripe cards. Replacing a town issued credit card may take seven to ten (7-10) business days. (as added by Ord. #2012-94, April 2012)

5-506. Missing receipt affidavit. A town prepared standard form containing substantially the following shall be used and provided to the town recorder in the event a credit card receipt is lost, misplaced or not received by the cardholder:

I, _____ have either misplaced or not received a receipt for a card purchase.

This form is submitted in lieu of the original receipt.

Vendor Name: _____

Transaction Date: _____ Amount: $_____

Items Purchased: _____

_____

I certify that the goods shown above were purchased for the Town of Pegram's operating purposes as outlined in the policies and procedures for credit card use.

Cardholder Signature: _____ Date: _____

Department Head: _____ Date: _____

(as added by Ord. #2012-94, April 2012)

5-507. <u>Credit card user agreement</u>. Every approved recipient of a town issued credit card must execute and provide the town recorder with the town prepared standard form containing substantially the following terms of agreement prior to issuance of or use of a credit card:

TOWN OF PEGRAM
Credit Card User Agreement

I, _____, hereby acknowledge receipt of a Town of Pegram credit card, issued by Community Bank. As a cardholder, I agree to comply with the terms of this agreement, including all of the Town of Pegram's policies and procedures included in title 5, chapter 5 of the Pegram Municipal Code.

I agree that I will not use the credit card to make personal purchases for others or myself.

I understand that I will not request or receive cash back from suppliers as a result of exchanges, rebates, and refunds or for any other reason.

I understand that I am the only person authorized to use the card or card number assigned to me. I will not authorize the use of this card by other town employees who may want to use it to make approved purchases.

I understand that if I transfer to another department I must notify my department head immediately. I understand that the town can terminate my right to use the card at any time, for any reason. I agree to return my card to my department head immediately upon request or upon termination of employment.

I have reviewed the Town of Pegram Credit Card Policy contained in the Pegram Municipal Code, title 5, chapter 5, § 5-505. I understand the procedures and requirements for using the credit card and for providing the required documentation for each transaction made on this card. In addition, I have reviewed, understand and am familiar with the policies and procedures governing town purchases and contained in the Pegram Purchasing Policy.

I understand that any violation of the terms of this agreement may result in disciplinary action, up to and including termination of employment. I understand that where allowed by state and federal law the town may deduct from my compensation the money amount equal to the total of any discrepancies, of the total amount of any personal gain, and/or of any fees related to the collection of such money. I understand that the town may elect to collect this money and may also recover the reasonable costs of said collection, even if the town no longer employs me.

_____ _____

Cardholder Name (print) Department

_____ _____

Cardholder Signature Date

RETURN THIS PAGE TO THE TOWN FINANCE DEPARTMENT TO RECEIVE CARD.

(as added by Ord. #2012-94, April 2012)

5-508. <u>Violation of policy</u>. All town employees are responsible for safeguarding public funds and the public trust. Any violations of this policy observed by any town employees shall be reported to the mayor. Any employees found to have violated this policy may be disciplined up to and including termination. (as added by Ord. #2012-94, April 2012)

CHAPTER 6

PRIVILEGE TAX ON NEW DEVELOPMENTS

SECTION

5-601. Short title.
5-602. Purpose.
5-603. Findings.
5-604. Authority.
5-605. Definitions.
5-606. Tax levy.
5-607. Prohibition on issuance of building permit.
5-608. Exemptions from tax.
5-609. Collection of tax.
5-610. Use and segregation of tax funds.
5-611. Authority to amend.
5-612. Protest of tax.
5-613. Additional authority.

5-601. Short title. This chapter shall be known and cited as the Pegram Municipal Adequate Facilities Tax. (as added by Ord. #2015-106, June 2015)

5-602. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Pegram to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Pegram. (as added by Ord. #2015-106, June 2015)

5-603. Findings. The board of mayor and aldermen hereby finds and declares that:

(1) Cheatham County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.

(2) Anticipated continued growth from the expansion of Nashville is expected to accelerate due to the continuing location of manufacturing and commercial businesses in the Middle Tennessee area, and from other factors; and

(3) Projections in 1997 were as follows:

(a) County population will be forty-two thousand (42,000) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for approximately five thousand (5,000) additional dwelling units between 1990 and 2010; and new residential

and non-residential development will consume an additional three thousand (3,000) acres of land in Cheatham County;

(b) The majority of the projected growth in Cheatham County between 1990 and 2010 will occur within the boundaries of the incorporated municipalities within the county; and

(c) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, city govermnental facilities, etc.) in an amount well in excess of ten million dollars ($10,000,000.00) over the next fifteen (15) years.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has simultaneously herewith adopted by ordinance a capital improvements program indicating the need for and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Pegram utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development.

(9) The tax herein imposed is in compliance with chapter 53, Private Acts of 1997. (as added by Ord. #2015-106, June 2015)

5-604. Authority. This chapter is imposed under the charter powers of the Town of Pegram, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by chapter 53, Tennessee Private Acts of 1997. (as added by Ord. #2015-106, June 2015)

5-605. Definitions. As used in this chapter, unless a different meaning appears from the context:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable prope1iy of any kind; the term includes a mobile home, but excludes those buildings specified in § 5-608.

(2) "Building permit" means a permit for development issued in Pegram, as herein defined, within Cheatham County.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost

estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or non-residential use.

(5) (a) "Floor area" for non-residential development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such building or portions thereof, or within lines drawn parallel to and two feet (2') within the roof line of any building or portions thereof without walls but excluding arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area" for residential development means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space or which could be at a future date.

(6) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, §§ 13-4-201, 13-4-203 and 13-4-302. For the purposes of this chapter only, a general plan may consist solely of the land development plan element, which sets out a plan or scheme of future land usage.

(7) "Governing body" means the Board of Mayor and Aldermen of Pegram, Tennessee.

(8) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to Tennessee Code Annotated, §§ 13-4-201, 13-4-302, and 13-4-303, showing among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways."

(9) "Municipality" means the Town of Pegram.

(10) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(11) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(12) "Place of worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(13) "Public buildings" means buildings owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school district and special districts, or the federal government or any agency thereof.

(14) "Public facility or facilities" means a physical improvement undertaken by the municipality, including, but not limited to the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements benefitting the citizens of the municipality.

(15) "Residential" means the development of any property for a dwelling unit or units.

(16) "Subdivision regulations" means the regulations adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, § 13-4-303, by which the municipality regulates the subdivision of land.

(17) "Zoning resolution" means the ordinance adopted by the governing body, as amended, pursuant to Tennessee Code Annotated, § 13-7-201, by which the municipality regulates the zoning, use and development of property. (as added by Ord. #2015-106, June 2015)

5-606. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax shall be due and collected by the municipality at the time of application for a building permit for development, as provided in § 5-609.

Tax rate schedule

New residential development:	$0.75 per gross square foot of floor area
New non-residential development:	$0.40 per gross squre foot of floor area

(as added by Ord. #2015-106, June 2015)

5-607. Prohibition on issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in § 5-609. (as added by Ord. #2015-106, June 2015)

5-608. Exemptions from tax. No tax shall be assessed or collected for the development of:

(1) Public buildings;
(2) Places of worship;
(3) Barns or outbuildings used for agricultural purposes;
(4) Replacement structures for previously existing structures destroyed by fire or other disaster;
(5) Additions to a single-family dwelling;
(6) A structure owned by a non-profit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue code; and
(7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three (3) years. (as added by Ord. #2015-106, June 2015)

5-609. Collection of tax. (1) Each applicant for a building permit for development, as herein defined, shall state on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.
(2) The municipal official designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.
(3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit, but in no case shall a building permit issue until the tax is paid in full by the applicant to the municipality. (as added by Ord. #2015-106, June 2015)

5-610. Use and segregation of tax funds. All tax funds collected within the municipality as authorized herein, shall be deposited and accounted for in a special revenue or capital projects fund, and shall be used for the purpose of public facilities to serve the residents of the municipality. (as added by Ord. #2015-106, June 2015)

5-611. Authority to amend. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (as added by Ord. #2015-106, June 2015)

5-612. Protest of tax. Any person aggrieved by the decision of the municipal building official or other responsible official concerning any aspect of chapter 53, Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said Act. (as added by Ord. #2015-106, June 2015)

5-613. Additional authority. The authority to impose this privilege tax on new developments within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (as added by Ord. #2015-106, June 2015)

CHAPTER 7

REAL AND PERSONAL PROPERTY TAX

SECTION

5-701. Assessment of property.
5-702. Tax Rate.
5-703. When due and payable.
5-704. Collection of real and personal property taxes.
5-705. When delinquent--penalty and interest.
5-706. Collection of delinquent real and personal property taxes.
5-707. General law adopted.

5-701. Assessment of property. The real and personal property lying within the boundaries of the Town of Pegram shall be assessed pursuant to the assessments made by the Cheatham County Assessor of Property for such properties, and such assessments made by the Cheatham County Assessor of Property shall be copied and entered on the tax books of the Town of Pegram. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

5-702. Tax rate. The tax rate which shall be levied on real and personal property shall be set by the board of mayor and aldermen by ordinance at or after passing and establishing an annual budget for each fiscal year. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***, and replaced by Ord. #2018-122, March 2018 ***Ch3_12-05-22***, and Ord. #2019-132, May 2019 ***Ch3_12-05-22***)

5-703. When due and payable. Taxes levied by the town against real and personal property shall become due and payable annually on the first Monday of October of the year for which the taxes are levied. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

5-704. Collection of real and personal property taxes. Real and personal property taxes shall be collected by the town tax collector as provided for in Tennessee Code Annotated, § 67-5-1801, et seq. and Tennessee Code Annotated, § 6-55-101 and § 6-55-301, et seq. and as otherwise provided for by law. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

5-705. When delinquent--penalty and interest. All real and personal property taxes shall become delinquent on and after the first day of March next after they become due and payable, and shall thereupon be subject to such penalty and interest as is authorized and prescribed by state law for delinquent county real and personal property taxes. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

5-706. Collection of delinquent real and personal property taxes. The collection of delinquent real and personal property taxes shall be made by the County Trustee pursuant to Tennessee Code Annotated § 67-5-2001 et seq. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

5-707. General law adopted. All other matters related to the assessment, levy, and collection of real and personal property taxes for the Town of Pegram not specifically provided for herein shall be governed by the applicable general law of the State of Tennessee as it relates to taxation by municipalities. (as added by Ord. #2017-118, Oct. 2017 ***Ch3_12-05-22***)

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST[1]

SECTION
6-101. Policemen subject to orders.
6-102. Policemen to preserve law and order, etc.
6-103. Citation in lieu of arrest in non-traffic cases.
6-104. When policemen to make arrests.
6-105. Summons in lieu of arrest.
6-106. Disposition of persons arrested.
6-107. Police department records.

6-101. Policemen subject to orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the board of mayor and aldermen or their designee may officially issue. (1990 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the municipal court during the trial of cases. Policemen shall also promptly serve any legal process issued by the municipal court. (1990 Code, § 1-402)

6-103. Citations in lieu of arrest in non-traffic cases.[2] Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the board of mayor and aldermen appoints the fire chief in the fire department and the building inspector in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted

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[1]Municipal code reference
Issuance of citation in lieu of arrest in traffic cases: § 15-701.

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

in title 7, chapter 1 of this municipal code of ordinances. The building inspector in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

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

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1990 Code, § 1-405)

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.

(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. (1990 Code, § 1-403)

6-105. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the board of mayor and aldermen to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the building inspector to issue ordinance summonses in those areas. The building inspector may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, liter control or animal control, may issue an ordinance summons and give the summons to the offender.

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

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[1]Municipal code reference

Issuance of citation in lieu of arrests in traffic cases: § 15-701.

ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the municipal court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-106 below.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1990 Code, § 1-406)

6-106. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinances shall be brought before the municipal court. However, if the municipal court is not in session, the arrested person shall be allowed to post bond with the municipal court clerk, or, if the municipal court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the municipal judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1990 Code, § 1-404)

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

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1990 Code, § 1-407)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER
1. INTERNATIONAL FIRE CODE.
2. FIRE DEPARTMENT.
3. FIRE SERVICE OUTSIDE TOWN LIMITS.
4. FIREWORKS.

CHAPTER 1

INTERNATIONAL FIRE CODE

SECTION
7-101. International Fire Code adopted and made available in the recorder's office.
7-102. Enforcement.
7-103. Definition of "municipality."
7-104. Gasoline trucks.
7-105. Variances.
7-106. Violations and penalties.

7-101. International Fire Code adopted and made available in recorder's office. Pursuant to the authority of Tennessee Code Annotated, §§ 6-54-502, 6-54-503 and 6-54-504, the International Fire Code, 2003 edition, as published by the International Code Council,[2] is hereby adopted and incorporated in its entirety by reference with all regulations, provisions, penalties, conditions and terms adopted and made part hereof as if fully set forth herein. One (1) copy of the International Fire Code, 2003 edition, has been and now is filed in the office of the town recorder, and the provisions thereof shall be controlling within the town. (Ord. #2002-07, Feb. 2002, as replaced by Ord. #2005-23, Feb. 2005)

7-102. Enforcement. The international fire 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. (1990 Code, § 7-102, modified)

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

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

7-103. Definition of "municipality." Whenever the word "municipality" is used in the international fire code herein adopted, it shall be held to mean the Town of Pegram, Tennessee. (1990 Code, § 7-103, modified)

7-104. 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. (1990 Code, § 7-104)

7-105. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the international fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1990 Code, § 7-105, modified)

7-106. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. It shall be a civil offense for any person to violate or fail to comply with any provision of this chapter, as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a fine of fifty dollars ($50.00) for each offense, or up to the maximum amount which the legislature of the State of Tennessee may hereafter establish. Each day a violation is allowed to continue shall constitute a separate offense. Any fine imposed is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the town. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1990 Code, § 7-106, modified, as replaced by Ord. #2005-23, Feb. 2005)

CHAPTER 2

FIRE DEPARTMENT[1]

SECTION

7-201. Establishment, equipment, and membership.
7-202. Objectives.
7-203. Organization, rules, and regulations.
7-204. Records and reports.
7-205. Tenure and compensation of members.
7-206. Chief responsible for training and maintenance.
7-207. Fire marshal.
7-208. Fire marshal to be assistant to state officer.

7-201. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. The assets of the Pegram Fire Department, a not for profit organization, including but not limited to, fire trucks, accessories and other fire fighting tools, together with all the encumbrances are made property and obligations of the town. All future appartus, equipment, and supplies shall be purchased by or through the town and shall be and remain the property of the town. The fire department shall be composed of a chief and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (1990 Code, § 7-301, modified)

7-202. 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. (1990 Code, § 7-302)

7-203. 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

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[1]Municipal code reference

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

fire department, under the direction of the board of mayor and aldermen. (1990 Code, § 7-303)

7-204. 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 as the mayor requires. The mayor shall submit a report on those matters to the board of mayor and aldermen as the board of mayor and aldermen requires. (1990 Code, § 7-304)

7-205. Tenure and compensation of members. The chief shall have the authority to suspend any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor. However, only the board of mayor and aldermen shall dismiss either the fire chief or subordinate officers and firemen. (1990 Code, § 7-305)

7-206. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department, under the direction and subject to the requirements of the board of mayor and aldermen. (1990 Code, § 7-306)

7-207. Fire marshal. There is hereby established the position of Fire Marshal of the Town of Pegram. Such fire marshal shall be appointed by the board of mayor and alderman upon the recommendation of the fire chief. Such fire marshal shall be deemed an officer subordinate to the fire chief and shall be subject to the authority and control of the fire chief established in §§ 7-205 and 7-206 of the Pegram Municipal Code. (1990 Code, § 7-308, as replaced by Ord. #2015-105, May 2015)

7-208. Fire marshal to be assistant to state officer. Pursuant to the requirements of Tennessee Code Annotated, § 68-102-108, the fire marshal is designated as an assistant to the State Commissioner of Commerce and Insurance and is subject to all duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (as added by Ord. #2015-105, May 2015)

CHAPTER 3

FIRE SERVICE OUTSIDE TOWN LIMITS

SECTION

7-301. Restrictions on fire service outside town limits..

7-301. Restrictions on fire service outside town limits. No personnel or equipment of the fire department shall be used for fighting any fire outside the town limits unless the fire is on town property or, in the opinion of the fire chief, is in such hazardous proximity to property owned or located within the town as to endanger the town property, or unless the board of mayor and aldermen has developed policies for providing emergency services outside of the town limits or entered into a contract or mutual aid agreement pursuant to the authority of

(1) The Local Government Emergency Assistance Act of 1987.[1]

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[1]Charter references

This authorizes any municipality or other local governmental entity to go outside of its boundaries in response to a request for emergency assistance by another local government. It does not create a duty to respond to or to stay at the scene of an emergency outside its jurisdiction.

This statute, as amended, does not require written agreements between the local governments, but authorizes them to develop policies and procedures for requesting and responding to requests for emergency assistance, including provisions for compensation for service rendered.

The statute specifies which municipal officers may request and respond to requests for emergency assistance and provides for the appointment by municipal governing bodies of additional municipal officers with the same authority.

The statute provides that the senior officer of the requesting party will be in command at the scene of the emergency.

The statute outlines the liabilities of the requesting and responding governments as follows: (1) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions performed in

(continued...)

(2) Tennessee Code Annotated, § 12-9-101et seq.[1]
(3) Tennessee Code Annotated, § 6-54-601.[2] (1990 Code, § 7-401)

(...continued)

responding to a request for emergency assistance; (2) The requesting party is not liable for damages to the equipment and personnel of the responding party in response to the request for emergency assistance; and (3) Neither the requesting party nor its employees is liable for damages caused by the negligence of the personnel of the responding party while enroute to or from the scene of the emergency.

[1]Charter references

Tennessee Code Annotated, § 6-54-601 authorizes municipalities (1) To enter into mutual aid agreements with other municipalities, counties, privately incorporated fire departments, utility districts and metropolitan airport authorities which provide for firefighting service, and with individual fire departments to furnish one another with fire fighting assistance. (2) Enter into contracts with organizations of residents and property owners of unincorporated communities to provide the latter with firefighting assistance. (3) Provide fire protection outside their city limits to either areas or citizens on an individual contractual basis whenever an agreement has first been entered into between the municipality providing the fire service and the county or counties in which the fire protection is to be provided.

[2]Tennessee Code Annotated, § 12-9-101, et seq. is the Interlocal Governmental Cooperation Act which authorizes municipalities and other governments to enter into mutual aid agreements of various kinds.

CHAPTER 4

FIREWORKS

SECTION

7-401. Purpose.
7-402. Definitions.
7-403. Permissible types of fireworks.
7-404. Permit required.
7-405. Sale of fireworks.
7-406. Permit fee.
7-407. Privilege licenses required.
7-408. Conditions for sale and use of permissible articles.
7-409. Retail sale of permissible items, time limitations, exemptions.
7-410. Public displays, permits, regulation.
7-411. Regulations governing storing, locating, or display of fireworks.
7-412. Sign regulations.
7-413. Unlawful acts in the sale, handling, or private use of fireworks.
7-414. Seizure and destruction of fireworks.
7-415. Penalty for violation.
7-416. Exceptions to application.

7-401. Purpose. The purpose of this chapter is to provide for the regulation of the manufacture, sale, display and use of certain fireworks for both private and public display within the municipal limits of the Town of Pegram, Tennessee (hereinafter referred to as Pegram or the Town of Pegram), setting certain guidelines that shall provide for the general safety and welfare of its citizens. (as added by Ord. #2004-09, April 2004)

7-402. Definitions. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless the context clearly indicates otherwise, and words used in the singular include the plural, and the plural as singular:

(1) "Authority Having Jurisdiction" (hereinafter "AHJ") means the Pegram Fire Chief, or his designee;

(2) "Banner" means a sign having the copy applied to cloth, paper or fabric of any kind with only such material for a backing and shall include, but not be limited to, animated and/or fluttering devices designed to attract attention;

(3) "Distributor" means any person engaged in the business of making sales of fireworks to any other person engaged in the business of reselling fireworks either as a retailer, wholesaler, seasonal retailer, or any person who receives, brings or imports any fireworks of any kind, in any manner, into

Pegram except to a holder of a manufacturer's, distributor's, or wholesaler's permit issued by the state fire marshal and the AHJ;

(4) "DOT Class C common fireworks" means all articles of fireworks as are now or hereafter classified as DOT Class C common fireworks in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles;

(5) "Manufacturer" means any person engaged in the making, manufacturing, or construction of fireworks of any kind within Pegram;

(6) "Permit" means the written authority of the AHJ issued under the authority of this chapter;

(7) "Person" means any individual, firm, partnership, or corporation;

(8) "Retailer" means any person engaged in the business of making retail sales of fireworks at any time during the year;

(9) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individuals;

(10) "Seasonal retailer" means any person engaged in the business of making retail sales of fireworks within Pegram from June 20 through July 5 and December 10 through January 2 of each year;

(11) "Special fireworks" means all articles of fireworks that are classified as Class B explosives in the regulations of the United States Department of Transportation and includes all articles other than those classified as Class C; and

(12) "Wholesaler" means any person engaged in the business of making sales of fireworks to a seasonal retailer. A wholesaler shall not be permitted to make a sale to a retailer. (as added by Ord. #2004-09, April 2004)

7-403. **Permissible types of fireworks**. It shall be unlawful for any person to possess, sell or use within Pegram or ship into Pegram, except as provided in this chapter, any pyrotechnics commonly known as fireworks other than the following permissible items:

(1) Those items now or hereafter classified as DOT Class C common fireworks; and

(2) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations. (as added by Ord. #2004-09, April 2004)

7-404. **Permit required**. (1) It shall be unlawful for any person to sell, offer for sale, ship or cause to be shipped or received into Pegram, except as herein provided, any item of fireworks without first having secured the required applicable permits from both the Town of Pegram and the state fire marshal; possession of said permits being hereby made a condition prerequisite to selling

or offering for sale, shipping or causing to be shipped any fireworks into Pegram, unless otherwise provided herein. Permits issued under this section shall be non-transferable. No permit shall be issued for manufacturing of fireworks within the Town of Pegram, as the same is prohibited. No permit shall be issued to a person under eighteen (18) years of age. The permit shall be valid for thirty (30) days from issue date. A seasonal retailer shall present any and all applicable municipal, county and state permits at such time as the temporary use site is inspected by the building inspector and AHJ, and at any time thereafter upon demand, and shall post at all times any and all permits issued by the Town of Pegram and the State of Tennessee.

(2) A permit applicant shall provide evidence that general liability insurance has been obtained by the applicant, which designates Pegram as an additional insured, for no less than one million dollars ($1,000,000.00), per occurrence, for both bodily injury and property damage liability.

(3) Prior to issuance of any permit, a permit applicant shall provide to the AHJ a site plan, including lot dimension, tent dimension and location, location of adjacent structures, and location of parking area. (as added by Ord. #2004-09, April 2004)

7-405. Sale of fireworks. (1) Fireworks shall be sold only in the C-1 District. A permit, as required under § 7-404 of this chapter, is hereby made a condition prerequisite to selling or offering for sale, shipping or causing to be shipped any fireworks into the Town of Pegram.

(2) The seasonal retailer must comply with all aspects of the fire code adopted by Pegram and all state fire code regulations as shall pertain to the sale of fireworks. The seasonal retailer also shall comply with all regulations promulgated by the AHJ. (as added by Ord. #2004-09, April 2004)

7-406. Permit fee. (1) The AHJ is authorized and directed to charge a fee for the permit required in § 7-404 of this chapter in the amount of one thousand dollars ($1,000.00). The said fee is reasonable and necessary to defray the cost of inspections required to insure and protect the safety, health and welfare of the community.

(2) Pursuant to Pegram Zoning Ordinance 2.020 (Article II-3), a building permit shall be required for any tent erected for the purposes provided under this chapter, and a fee shall be charged in accordance with Pegram Zoning Ordinance 7.030(B) (Article VII-3). (as added by Ord. #2004-09, April 2004)

7-407. Privilege licenses required. The issuance of permits herein required shall not replace nor relieve any person of state, county, or municipal privilege licenses as provided by law. (as added by Ord. #2004-09, April 2004)

7-408. Conditions for sale and use of permissible articles. (1) No permissible articles of common fireworks shall be sold, offered for sale, or possessed within Pegram, or used within Pegram, except as herein provided in § 7-410, unless it is properly named and labeled to conform to the nomenclature of § 7-403 and unless it is certified as common fireworks on all shipping cases and by imprinting on the article or retail container DOT Class C common fireworks, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

(2) The regulations of the state fire marshal relative to the possession and sale of fireworks, as well as storage and safety requirements, are incorporated herein by reference as if set forth verbatim, together with the fire code, and attain full force and effect within Pegram. (as added by Ord. #2004-09, April 2004)

7-409. Retail sale of permissible items, time limitations, exceptions. Permissible items of fireworks, as provided for in § 7-403, may be sold by a seasonal retailer in the Town of Pegram from June 20 through July 5 and December 10 through January 2 of each year, except that fireworks do not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five one-hundredths (25/100) grains or less or explosive compounds are used; provided, they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (25/100) grains of explosive compounds, cone, bottle, tube, and other type serpentine pop-off novelties, model rockets, wire sparklers containing not over one hundred (100) grams of composition per item (sparklers containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item), emergency flares, matches, trick matches and cigarette loads, the sale and use of which shall be permitted at all times. (as added by Ord. #2004-09, April 2004)

7-410. Public displays, permits, regulation. (1) Nothing in this chapter shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only, and which are otherwise prohibited for sale and use within Pegram, shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the United States Department of Transportation as Class B special fireworks, and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under direct, competent supervision, and only after the persons or organizations making such displays shall have received written approval from the AHJ and applied for and received permits for such displays issued by the

state fire marshal and the Town of Pegram. Applications for permits for such public displays shall be made in writing at least ten (10) days in advance of the proposed display, and the application shall specifically state and satisfactorily demonstrate to the AHJ that the proposed display is to be so located and supervised in a manner in which it is not hazardous to real and/or personal property and such that it shall not endanger human lives nor pose a risk of physical harm to any person. The application for a permit to conduct a public display within the municipal limits of Pegram shall specifically state that the display is to be performed within the municipal limits and shall bear the signed approval of the AHJ. Permits issued shall be limited to the time specified therein and shall not be transferable. Possession of special fireworks for resale to holders of a permit for a public fireworks display shall be confined to holders of a distributor's permit only.

(2) A permit applicant shall provide evidence that general liability insurance has been obtained by the applicant, which designates Pegram as an additional insured, for no less than one million dollars ($1,000,000.00), per occurrence, for both bodily injury and property damage liability.

(3) The holder of a permit for conducting an outdoor public display of fireworks shall have present on site at least one (1) fire suppression vehicle with the necessary and qualified personnel present during such outdoor display and shall be responsible for all costs associated with the fire suppression vehicle.

(4) The AHJ is authorized and directed to charge a fee for the permit required by this section in the amount of five hundred dollars ($500.00). The said fee is reasonable and necessary to defray the costs of inspections required to insure and protect the safety, health and welfare of the community and to provide the required fire suppression vehicle.

(5) No permit shall be granted for an indoor public display of fireworks. (as added by Ord. #2004-09, April 2004)

7-411. <u>Regulations governing storing, locating, or display of fireworks</u>. (1) Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes within ten feet (10') of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks--no smoking," in letters not less than four inches (4") high, throughout the fireworks structure (including but not limited to a sign visible from each of the four (4) sides of the structure and two (2) at each entrance). No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use, unless such paints, oils or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) Electrical installations shall comply with all applicable codes.

(3) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision.

(4) All firework devices sold under a duly issued permit may not be located closer than two hundred feet (200') to any fuel source, including but not limited to any gasoline dispensing pump.

(5) The seasonal retailer shall provide one (1) five (5) pound or greater ABC dry chemical fire extinguisher for every six hundred (600) square feet of the seasonal retailer's structure and inventories, and/or one (1) five (5) pound or greater ABC dry chemical fire extinguisher located no farther than fifty feet (50') from the seasonal retailer or his employee at any time, with a maximum of six (6) specified extinguishers at each seasonal retailer's location.

(6) The seasonal retailer shall not be permitted at any time, whether open for business or closed, to erect any impediment to any means of egress from inside the structure. This includes, but is not limited to, any fencing, wire, or plastic mesh around the outside perimeter of the fireworks structure or fireworks inventory structure.

(7) Each seasonal retail site at all times shall be free from litter and debris and shall provide no less than one (1) temporary sanitary toilet facility, up to and including the actual termination date of authorized selling periods, and any violation hereof may result in issuance of a citation, permit revocation, and/or refusal to issue a subsequent permit to the violator for a period of not more than five (5) years.

(8) The seasonal retailer shall provide adequate off-street parking, as approved by the AHJ, and shall comply with the following minimum requirements:

(a) Each seasonal retailer shall provide parking and storage space off the right-of-way so as not to impede the use of any driveway or hinder traffic upon a thoroughfare. Parking shall be restricted on each street between the intersection and closest driveway at any seasonal retainers site located at a corner street intersection;

(b) Any egress into the seasonal retailer's establishment from a town street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. The right-of-way and adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of drivers desiring to enter the establishment. The profile of an egress and the grading of the right-of-way shall be such that a driver of a vehicle that is standing in the driveway can see sufficiently in both directions to enable him to enter the highway without creating a traffic hazard. All improvements on property adjacent to a street right-of-way shall have a

sufficient setback so that parking, stopping, and maneuvering on the right-of-way is avoided by those patrons in vehicles entering the seasonal retailer's establishment; and

(c) Whenever possible, all egresses shall be positioned at right angles to the public roadway. (as added by Ord. #2004-09, April 2004, and amended by Ord. #2004-13, Oct. 2004)

7-412. Sign regulations. (1) Each seasonal retailer shall be subject to and abide by the following sign provisions, which shall be in addition to and include but not be limited to those temporary sign provisions of the Pegram Zoning Ordinance:

(a) Each sign shall not exceed thirty-two (32) square feet in area, and a banner shall not be permitted to be displayed over a public street.

(b) No temporary sign shall be erected or maintained within any public street right-of-way. With the exception of those signs subject to and defined hereunder at subsection (h), all temporary signs shall set back a minimum of five feet (5') from any street right-of-way, unless an alternate location is pre-approved by the building inspector upon a written finding of extraordinary circumstances. Without exception, a temporary sign shall not be permitted to project into nor over any public street right-of-way.

(c) A maximum of two (2) temporary signs shall be permitted on each seasonal retail site. No off-premises temporary signs, of any type whatsoever, shall be permitted in any district. The only temporary signs permitted shall be subject to strict compliance with Pegram Zoning Ordinance 4.080.5, and no commercial signs are permitted in residential districts. Temporary signs shall not be closer than fifty feet (50') from any permanent sign.

(d) All temporary signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind to person or property. Temporary signs shall not be displayed upon a rooftop.

(e) No temporary sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(f) No temporary sign shall contain any kind of strobe, pulsating or flashing lights.

(g) Any light emanated from a permissibly illuminated temporary sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect, in any way, the safe vision of operators of moving vehicles. The said light shall not be permitted to shine into or reflect on any residential structure.

(h) No temporary sign shall be painted on or attached to a vehicle or a vehicular trailer unless such vehicle or vehicular trailer is in operable condition, is carrying all current and valid licenses, and is used for the transportation of goods and/or persons to and from the seasonal retailer's establishment. Any such vehicle or vehicular trailer shall be parked on the seasonal retail site no less than fifty feet (50') from any public street right-of-way. A maximum of one (1) vehicular trailer bearing a temporary sign shall be permitted on each seasonal retail site.

(i) All temporary signs advertising fireworks events shall be removed by the permit holder on or before the tenth (10th) day immediately following the event date.

(j) All temporary signs shall be erected for a maximum of thirty (30) days, after which time they shall be removed by the permit holder.

(k) Any violation of any provision of this chapter shall result in a finding of guilt rendered by the town court with a punishment to include but not be limited to a fine of not more than fifty dollars ($50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. If within twenty-four (24) hours of notice, the owner of such sign fails to contact the enforcing officer in order to bring said sign into compliance with this chapter or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(l) The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fenceposts, telephone poles, utility poles or other natural features, or signs otherwise prohibited within this section, and to impound them for a period of ten (10) days. The owner of an impounded sign may recover the same upon payment of fifty dollars ($50.00) for each sign, prior to the expiration of the said ten (10) day impoundment period. At the end of said ten (10) day impoundment period, the enforcing officer is herein empowered to destroy the said sign, at his discretion in any manner he sees fit, without further notice to the owner.

(m) The owner, tenant or occupant of any building, structure, premises, or any part thereof, and/or any contractor, builder, architect, engineer, agent or other person who commits, aids, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

(n) This entire section shall be deemed and construed to be an exercise of the police power of the Town of Pegram, Tennessee, adopted

under the authority of Tennessee Code Annotated, § 6-2-201, for the preservation and protection of the public's health, safety, morals and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Each seasonal retailer may obtain a sign permit for a fee of fifty dollars ($50.00). (as added by Ord. #2004-13, Oct. 2004)

7-413. Unlawful acts in the sale, handling, or private use of fireworks. (1) It is unlawful to offer for retail sale or to sell any fireworks to children under ten (10) years of age or to any intoxicated or irresponsible person.

(2) It is unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school, or within two hundred feet (200') of any place where fireworks are stored, sold, or offered for sale, or within two hundred feet (200') of any fuel source, including but not limited to any gasoline dispensing pump.

(3) It is unlawful to ignite or discharge any permissible articles of fireworks within, or throw the same from, a motor vehicle. It is unlawful for any person to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people, or at or in the direction of any person's residence.

(4) All items of fireworks which exceed the limits of DOT Class C common fireworks as to explosive composition, such items being commonly referred to as illegal ground salutes designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale or use within Pegram for any purpose. This subsection shall not affect display fireworks authorized by this chapter. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-414. Seizure and destruction of fireworks. (1) The AHJ shall seize as contraband any fireworks other than DOT Class C common fireworks, as defined in § 7-403, or special fireworks for public displays, as defined in § 7-410, which are sold, displayed, used, or possessed in violation of this chapter. The AHJ is authorized to destroy fireworks so seized, subject to the restrictions set forth in subsection (2) herein below.

(2) Before any seized fireworks may be destroyed:

(a) If the owner of such seized fireworks is known, the mayor shall give notice to such owner by registered mail or personal service, that the AHJ intends to destroy such seized materials. Such notice shall inform the owner of the owner's right to a hearing before the municipal court. Upon the owner's request, the mayor shall conduct an appropriate hearing concerning the destruction of fireworks in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, title 4, chapter 5.

(b) If the identity of the owner of any seized fireworks is not known to the mayor, the mayor shall cause to be published in a newspaper of general circulation in Cheatham County, Tennessee, notice of such seizure, and of the AHJ's intention to destroy such fireworks. The notice shall be published once each week for three (3) consecutive weeks and, if no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the AHJ may proceed to destroy the fireworks. If the owner does claim the fireworks within the time specified, a hearing as set out in item (a) of this subsection shall be held. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-415. Penalty for violation. Failure to comply with any and all regulations may result in immediate closure of the seasonal retailer's establishment by the building inspector or AHJ. Any person violating any provision of this chapter shall be guilty of a misdemeanor punishable as other misdemeanors as provided by law, to include but not be limited to a fine of fifty dollars ($50.00) per violation. Each day such violation continues shall be considered a separate offense. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. In addition, the Town of Pegram may refuse to issue future permits to a convicted violator for a period not to exceed five (5) years from the date of conviction. Nothing herein contained shall prevent the Town of Pegram from taking such other lawful actions necessary to prevent or remedy any violation. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

7-416. Exceptions to application. Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this state or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes; provided that the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes only from the state fire marshal, after approval of the county agricultural agent of Cheatham County, Tennessee, and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within Pegram. (as added by Ord. #2004-09, April 2004, and renumbered by Ord. #2004-13, Oct. 2004)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws[2] and/or ordinances, it shall be unlawful for any person acting for himself or for any other person, to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1990 Code, § 2-101)

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[1]Municipal code references
Driving under the influence: § 15-112.
Minors in beer places, alcoholic beverages in public, etc.: title 11, chapter 2.
State law reference
Tennessee Code Annotated, title 57.

[2]State law reference
Tennessee Code Annotated, title 39, chapter 17.

CHAPTER 2

BEER[1]

SECTION

8-201. Beer board established.
8-202. Meetings of the beer board.
8-203. Record of beer board proceedings to be kept.
8-204. Requirements for beer board quorum and action.
8-205. Powers and duties of the beer board.
8-206. "Beer" defined.
8-207. Permit required for engaging in beer business.
8-208. Beer permits shall be restrictive.
8-209. Interference with public health, safety, and morals prohibited.
8-210. Issuance of permits to persons convicted of certain crimes prohibited.
8-211. Prohibited conduct or activities by beer permit holders.
8-212. Suspension and revocation of beer permits.
8-213. Types of consumption permits.
8-214. Limitation on number of permits.
8-215. Return of permit upon termination, etc., of business.
8-216. Privilege tax.
8-217. Civil penalties in lieu of revocation or suspension.
8-218. Revocation of clerk's certification.

8-201. Beer board established. There is hereby established a beer board to be composed of the board of mayor and aldermen. The mayor shall be the chairman of the beer board. (1990 Code, § 2-201)

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the town hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called 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. (1990 Code, § 2-202)

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[1]Municipal code references

Public drunkenness, minors in beer places, etc.: title 11, chapter 2.

Tax provisions: title 5, chapter 3.

State law reference

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

8-203. Record of beer board proceedings to be kept. The recorder 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. (1990 Code, § 2-203)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. (1990 Code, § 2-204, modified)

8-205. Powers and duties of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this town in accordance with the provisions of this chapter. (1990 Code, § 2-205)

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1990 Code, § 2-206)

8-207. Permit required for engaging in beer business. (1) 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, as updated from time to time, 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).

(2) The non-refundable application fee shall be in the form of cash or a cashier's check payable to the Town of Pegram, Tennessee.

(3) In addition, each applicant, at the time of making application for a permit, shall certify in writing that he/she has read, is familiar with and understands the provisions of this chapter and that he/she has not been convicted of any crime involving moral turpitude within ten (10) years preceding the making of his/her current permit application. (Ord. #1993-4, Sept. 1993, as replaced by Ord. #2005-25, Feb. 2005)

8-208. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. 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. (1990 Code, § 2-208)

8-209. Interference with public health, safety, and morals prohibited. (1) No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals, schools, licensed daycare facilities, churches, or other places of public gathering, or would otherwise interfere with the public health, safety and morals.

(2) No permit shall be issued authorizing the sale of beer by Class 1 on premises permit holders or Class 3 off premises permit holders within three hundred feet (300') of any hospital, school, licensed daycare facility, church or other place of public gathering. The distances shall be measured in a straight line from the front door of the establishment from which beer will be sold, stored, distributed and/or manufactured to the front door of the hospital, school, licensed daycare facility, church or other place of public gathering.

(3) A permit may not be issued authorizing the sale of beer within three hundred feet (300') of any residential dwelling, if the owner of the dwelling appears in person before the beer board and objects to the issuance of a beer permit. The distances shall be measured in a straight line from the front door of the establishment from which beer will be sold, stored, distributed and/or manufactured to the front door of the residential dwelling. This provision shall not apply to locations where beer permits have been issued prior to the effective date of the ordinance comprising this section, nor shall it apply to an application for a change in the permittee at such location. (1990 Code, § 2-211, as amended by Ord. #1993-4, Sept. 1993, and replaced by Ord. #2005-25, Feb. 2005)

8-210. 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. (1990 Code, § 2-212)

8-211. Prohibited conduct or activities by beer permit holders.

(1) It shall be unlawful for any beer permit holder to:

(a) Make or allow any sale of beer between the hours of 12:00 midnight and 6:00 A.M.;

(b) Allow any loud, unusual, or obnoxious noises to emanate from the holder's premises;

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

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

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

(f) Allow drunken person(s) to loiter about his premises;

(g) 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;

(h) Allow gambling on the holder's premises.

(2) In addition to the restrictions set forth in subsection (1) herein, it shall be unlawful for any Class 1 and/or Class 2 permit holder to fail to provide and maintain separate sanitary toilet facilities for men and women. (1990 Code, § 2-213, modified, as replaced by Ord. #2005-25, Feb. 2005, and amended by Ord. #2007-51, Aug. 2007)

8-212. Suspension and revocation of beer permits. (1) The beer board shall have the power to suspend and/or revoke any beer permit issued under the provisions of this chapter when the holder thereof is found guilty of making a false statement or misrepresentation in making an application for a permit or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is conducted by the beer board after reasonable notice to all the known parties in interest. Suspension and/or revocation proceedings may be initiated by any law enforcement official designated by the beer board or by any member of the beer board.

(2) 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.

(3) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made final determination that the vendor has sold beer to a minor

for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (1990 Code, § 2-214, as replaced by Ord. #2005-25, Feb. 2005, and amended by Ord. #2007-51, Aug. 2007)

8-213. <u>Types of consumption permits</u>. (1) Permits issued by the beer board shall consist of three (3) types:

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

(i) Be primarily a restaurant or an eating establishment; and

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

(iii) Have all seating in the interior of the building under a permanent roof; and

(iv) Provide and maintain at least one (1) toilet facility for men and at least one (1) separate toilet facility for women.

(b) Class 2 on premises permit. Any establishment which does not qualify as a Class 1 on premises permit, but which otherwise meets all other regulations and restrictions in this chapter and was issued before January 27, 2005, shall be classified as a Class 2 on premises permit. Class 2 on premises permits applied for after January 27, 2005 shall not be issued.

(c) Class 3 off premises permit. An off premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off premises permit, an establishment, in addition to meeting all other regulations in this chapter, must:

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

(ii) Be primarily engaged in the sale of grocery and/or personal and home care and cleaning articles, but also may sell gasoline.

(2) In addition, the monthly beer sales of any establishment operating under a Class 1 on premises permit shall not exceed fifty percent (50%) of the gross sales of the establishment. Any such establishment which has beer sales exceeding fifty percent (50%) of its gross sales for two (2) consecutive months or for any three (3) months in any calendar year shall have its beer permit revoked.

(3) In addition, the monthly beer sales of any establishment operating under a Class 3 off premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Any establishment which has beer sales exceeding twenty-five percent (25%) of its gross sales for two (2) consecutive months or for any three (3) months in any calendar year shall have its beer

permit revoked. (1990 Code, § 2-209, modified, as replaced by Ord. #2005-25, Feb. 2012)

8-214. Limitation on number of permits. There shall be no limit on the number of Class 1 on premises permits and Class 3 off premises permits; however, after January 27, 2005, no Class 2 on premises permits shall be issued. (1990 Code, § 2-210, as replaced by Ord. #2005-25, Feb. 2005)

8-215. Return of permit upon termination, etc., of business. A permit holder must return a permit to the county or city that issued it within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business name. A change in ownership occurs for a corporate owner when at least fifty percent (50%) of the stock of the corporation is transferred to a new owner.

8-216. Privilege tax.[1] (1) Each business engaged in selling, distributing, storing or manufacturing beer shall remit to the town's recorder a privilege tax, by cash or cashier's check, payable to the Town of Pegram, Tennessee, in the amount of one hundred dollars ($100.00), in accordance with Tennessee Code Annotated, § 57-5-104, which shall be used by the town for any public purpose.

(2) The said tax shall be paid on January 1 each year. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

(3) The town recorder shall mail written notice to each permit holder of the payment date of the annual tax at least thirty (30) days prior to January 1. Notice shall be mailed to the address specified by the permit holder on its permit application. If a permit holder does not pay the tax by January 31 or within thirty (30) days after written notice of the tax was mailed, whichever is later, then the town shall notify the permit holder by certified mail that the tax payment is past due. If the permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the town may suspend or revoke the permit or impose a civil penalty pursuant to § 8-212. (Ord. #1993-4, Sept. 1993, modified, as replaced by Ord. #2005-25, Feb. 2012)

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[1]Municipal code reference

Wholesale beer tax: title 5, chapter 3.

8-217. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) 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.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars ($1,000.00) for each offense of making or permitting to be made any sales to minors or 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 revocation or 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 town may impose. (Ord. #1993-4, Sept. 1993, as replaced by Ord. #2005-25, Feb. 2005, and Ord. #2007-51, Aug. 2007)

8-218. Revocation of clerk's certification. If the beer board determines that a clerk of an off premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #2007-51, Aug. 2007)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.

CHAPTER
1. CABLE TELEVISION.

CHAPTER 1

CABLE TELEVISION

SECTION
9-101. To be furnished under franchise.

9-101. To be furnished under franchise. Cable television service shall be furnished to the Town of Pegram and its inhabitants under franchise granted by Ord. #1982-1 by the board of mayor and aldermen of the Town of Pegram, Tennessee. The rights, powers, duties and obligations of the Town of Pegram and its inhabitants are clearly stated in the franchise agreement which shall be binding upon the parties concerned.[1] (1990 Code, § 13-401)

[1]For complete details relating to the cable television franchise agreement see Ord. #1982-1 in the office of the city recorder.

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. DOGS.
3. DANGEROUS AND VICIOUS ANIMALS.
4. PENALTIES.

CHAPTER 1

IN GENERAL

SECTION

10-101. Running at large prohibited.
10-102. Pen or enclosure to be kept clean.
10-103. Adequate food, water, and shelter, etc., to be provided.
10-104. Keeping in such manner as to become a nuisance prohibited.
10-105. Cruel treatment prohibited.
10-106. Seizure and disposition of animals.

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, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1990 Code, § 3-101)

10-102. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1990 Code, § 3-102)

10-103. 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 and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1990 Code, § 3-103)

10-104. 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 because of either noise, odor, contagious disease, or other reason. (1990 Code, § 3-104)

10-105. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1990 Code, § 3-105)

10-106. 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 any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. 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 shall 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 board of mayor and aldermen.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (1990 Code, § 3-106, modified)

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.
10-208. Destruction of vicious or infected dogs running at large.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1990 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. (1990 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.

Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (1990 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 provide reasonably for the protection of other animals and persons. (1990 Code, § 3-204)

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

[2]Municipal code reference
Dangerous and vicious animals: title 10, chapter 3.

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. (1990 Code, § 3-205)

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 chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1990 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the 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 board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not wearing a tag it shall be sold or humanely destroyed unless legally claimed by the owner within five (5) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar. (1990 Code, § 3-207)

10-208. Destruction of vicious or infected dogs running at large. 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 any policeman or other properly designated officer.[1] (1990 Code, § 3-208)

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[1]Municipal code reference

Dangerous and vicious animals: title 10, chapter 3.

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

DANGEROUS AND VICIOUS ANIMALS[1]

SECTION

10-301. Definitions.
10-302. Keeping of dangerous animals prohibited.
10-303. Dangerous animals exceptions.
10-304. Seizure, impoundment and disposition of dangerous animals.
10-305. Keeping of vicious animals prohibited.
10-306. Vicious animals exceptions.
10-307. Seizure, impoundment and disposition of vicious animals.

10-301. Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this chapter.

"Dangerous animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so; (b) the following animals shall be deemed to be dangerous animals per se: (1) Drills and Mandrills [genus Mandrillus]; (2) Baboons [genus Papaio]; (3) Gelda Baboons [genus Theropithecus]; (4) Leopards; (5) Jaguars; (6) Tigers; (7) Lions; (8) Bears; (9) Poisonous Reptiles not native to Tennessee; (10) Llamas [Lama Peruana]; (11) Bison [Bonasus and Bisonbison]; (12) Primates not otherwise classified; (13) Camels [Camelus bactrians and Camelus dromedarius]; (14) Alpacas; (15) Guanacos; (16) Mouflon Sheep; (17) White-Tailed Deer; (18) Black Bears; (19) Bobcats; (20) Cougars; (21) Wild Turkeys; (22) Monk and Black Hooded Parakeets; (23) Wolfs; (24) Coyotes; (25) Foxes; (26) Badgers; (27) Wolverines; (28) Weazles; (29) Skunks; (30) Mink, (31) Bats; (32) Alligators and Crocodiles; (33) Piranhas; and (34) Fighting game chickens and fighting game roosters.

"Vicious animal" means any animal except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities presently or by past conduct including such that said animal (a) has bitten or clawed a person or persons on two (2) separate occasions within a twelve (12) month period; (b) did bite or claw once causing injuries above the shoulders of a person (c) could not be controlled or restrained by the owner at

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[1]Municipal code reference
Vicious dogs to be securely restrained: § 10-204.
Destruction of vicious or infected dogs running at large: § 10-208.

the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three (3) separate occasions within a twelve (12) month period. (1990 Code, § 3-301)

10-302. Keeping of dangerous animals prohibited. No person shall keep, shelter or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter or harbor such animal for any other purpose or in any other capacity within the Town of Pegram, except as provided in § 10-303 of this code. (1990 Code, § 3-302)

10-303. Dangerous animals exceptions. The prohibition contained in § 10-302 of this code shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

(3) The keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment.

(4) The keeping of dangerous animals by a wildlife rescue organization with an appropriate permit from the Town of Pegram.

(5) Any dangerous animals under the jurisdiction of and in possession of the Tennessee Wildlife Resources Agency or the Tennessee Department of Conservation. (1990 Code, § 3-303)

10-304. Seizure, impoundment and disposition of dangerous animals. (1) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such an animal may, and in the discretion of the mayor or his or her designee, be destroyed if it cannot be confined or captured. The Town of Pegram shall be under no duty to attempt the confinement of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(2) Upon the complaint of an individual that a person is keeping, sheltering or harboring a dangerous animal per se on premises in the Town of Pegram, the mayor shall cause the matter to be investigated, and after investigation, the facts indicate the person named in the complaint is keeping, sheltering, harboring a dangerous animal per se in the town, the mayor shall immediately cause the animal to be seized. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period the individual keeping, sheltering or harboring such dangerous animal

per se has not petitioned the board of mayor and aldermen seeking return of such dangerous animal per se, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner.

(3) Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal other than a dangerous animal per se on premises in the Town of Pegram, the mayor shall cause the matter to be investigated, and if after investigation, the facts indicate the person named in the complaint is keeping, sheltering or harboring such a dangerous animal in the corporate limits, the mayor shall order the person named in the complaint to safely remove such animal from the Town of Pegram, permanently place the animal with an organization or group allowed in this chapter to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such an order. Such order shall be contained within a notice to remove the dangerous animal, which shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order or notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the mayor shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without serious physical harm or death or any person.

(4) The order to remove a dangerous animal other than a dangerous animal per se issued by the mayor may be appealed to the board of mayor and aldermen. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after the receipt of an order contained in a notice to remove dangerous animal. Failure to file such written notice and appeal shall constitute a waiver of right to appeal the order of the mayor.

(5) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. Such appeal shall be scheduled within seven (7) days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the board of mayor and aldermen may affirm or reverse the order of the mayor. Such determination shall be contained in a written decision and shall be filed with the mayor within three (3) days after the hearing, or any continued session thereof.

(6) If the board of mayor and aldermen affirm the action of the mayor, the board shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the town, permanently place such animal with an organization or group allowed under this chapter of this code to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as notice of removal. If the original order of the mayor is not appealed and is not complied with within three (3) days

or the order of the board of mayor and aldermen after appeal is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of impoundment period, the individual or entity against whom the decision and order of the mayor or board of mayor and aldermen was issued has not petitioned the Chancery Court for Cheatham County, Tennessee for a review of said order, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under this chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the mayor issued pursuant hereto and not appealed, or of the board of mayor and aldermen after appeal, shall constitute a misdemeanor offense and that person shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) per each offense. Each day such violation shall continue shall constitute a separate offense. (1990 Code, § 3-304)

10-305. Keeping of vicious animals prohibited. No person shall keep, shelter or harbor for any reason within the town a vicious animal so defined herein, except as provided in § 10-306 of this code. (1990 Code, § 3-305)

10-306. Vicious animals exceptions. The prohibition contained in § 10-305 of this code shall not apply to the keeping of vicious animals in the following circumstances:

(1) Animals under the control of a law enforcement or military agency.

(2) The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of §§ 10-305 and 10-307 of this code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the mayor that a guard dog is on duty at said premises. (1990 Code, § 3-306)

10-307. Seizure, impoundment and disposition of vicious animals.

(1) The mayor or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the mayor or his or her designee. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the town or allow it to

be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(2) If, after hearing, the mayor or his or her designee determines that an animal is vicious, the mayor or his or her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the town, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the mayor or his or her designee was issued has not appealed such order to the board of mayor and aldermen, the mayor or his or her designee shall cause the animal to be destroyed.

(3) The order to remove or destroy a vicious animal issued by the mayor or his or her designee may be appealed to the board of mayor and aldermen. In order to appeal such order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the mayor or his or her designee.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the town hall. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the board of mayor and aldermen may affirm or reverse the order of the mayor or his or her designee. Such determination shall be filed with the mayor within three days after the hearing, or any continued session thereof.

(5) If the board affirms the action of the mayor or his or her designee, the board shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such vicious animal, shall remove such animal from the town or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the mayor or his other designee is not appealed and is not complied with within three (3) days or the order of the board after appeal is not complied with within three (3) days of its issuance, the mayor or his or her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the mayor or his or her designee and/or the board was issued has not petitioned the

Chancery Court for Cheatham County for a review of said order, the mayor or his or her designee shall cause the animal to be destroyed in a humane manner.

(6) Failure to comply with an order of the mayor or his or her designee issued pursuant hereto and not appealed, or of the board of mayor and aldermen after appeal, shall constitute a misdemeanor offense punishable as is set forth in § 10-304.

(7) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the mayor or his or her designee may immediately destroy it.

(8) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the town. (1990 Code, § 3-307)

CHAPTER 4

PENALTIES

SECTION

10-401. Penalties.

10-401. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars ($50), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.

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. PARK RULES AND REGULATIONS.
8. PENALTIES.

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking alcoholic beverages in public, etc.
11-102. Minors in beer places.

11-101. Drinking alcoholic beverages in public etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place. (1990 Code, § 10-202)

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[1]Municipal code references

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

[2]Municipal code reference

Sale of alcoholic beverages, including beer: title 8, chapter 2.

State law reference

See Tennessee Code Annotated § 68-24-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. <u>Minors in beer places</u>. No person under the age of twenty-one (21) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1990 Code, § 10-203)

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. (1990 Code, § 10-303)

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. (1990 Code, § 10-501)

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

(b) 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, 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 town 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) Town vehicles. Any vehicle of the town 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 town, 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 board of mayor and aldermen. 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. (1990 Code, § 10-502)

CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-401. Impersonating a government officer or employee.
11-402. False emergency alarms.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the town 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 town. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1990 Code, § 10-602)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1990 Code, § 10-603)

CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

SECTION

11-501. Air rifles, etc.
11-502. Throwing missiles.

11-501. Air rifles, etc. It shall be unlawful for any person in the town to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, made of plastic or any other kind of material whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1990 Code, § 10-701)

11-502. Throwing missiles. It shall be unlawful for any person maliciously to 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. (1990 Code, § 10-702)

CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-601. Trespassing.
11-602. Malicious mischief.
11-603. Interference with traffic.
11-604. Roadblocks.

11-601. Trespassing. (1) On premises open to the public.

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

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

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

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

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

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1990 Code, § 10-801)

11-602. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1990 Code, § 10-802)

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 prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1990 Code, § 10-803)

11-604. Roadblocks. (1) Solicitation roadblocks shall be prohibited within the town limits of the Town of Pegram.

(2) The following terms shall apply in the interpretation and application of this section:

(a) "Solicitation roadblock" shall mean the solicitation by any person for money on or in the right-of-way of any street, road, highway, or any other public way and place generally open to, and used by, the public for travel.

(b) "Street," "road," "highway," and "public way and place" shall include the paved and unpaved surface of any such street, road, highway or public place, the entire width of the public right-of-way extending laterally therefrom, dividers, medians, and abutting or adjoining sidewalks or other pedestrian pathways generally open to the public for pedestrian traffic.

(3) Any person violating this section shall be subject to punishment under the general penalty provision in title 11 of the Pegram Municipal Codification.

(4) This section shall become effective from and after its final passage, the public welfare requiring it. (as added by Ord. #2008-68, March 2009)

CHAPTER 7

PARK RULES AND REGULATIONS

SECTION

11-701. General rules and regulations.
11-702. Hours of operation and use.

11-701. General rules and regulations. (1) All vehicular traffic must comply with posted speed limits and, in the absence of such signage, shall never exceed ten (10) mph;

(2) Littering is prohibited, and no household or commercial garbage dumping in refuse containers is allowed;

(3) Possession of firearms or weapons is prohibited;

(4) Hunting is prohibited;

(5) Fighting and/or exhibiting any action which may be deemed threatening, profanity, and abusive language, of any type whatsoever, are prohibited;

(6) Tobacco use, of any kind, is prohibited;

(7) Alcoholic beverages, illegal drugs, unauthorized fireworks and metal detectors are prohibited;

(8) Roller skating, skateboarding, rollerblading, and/or bicycling are prohibited in park pavilions and on the tennis courts, and the use of any manmade ramp during any of the said activities in any permissible area is prohibited unless authorized in advance by the municipality;

(9) Tampering or removal of any property of the municipality is prohibited;

(10) Destruction of, including graffiti or painting of any type on, any property of the municipality is prohibited;

(11) Purposely throwing and/or bouncing any object against or onto any municipal structure, including its walls and roof, is prohibited;

(12) The cutting, picking or destruction of any plant life is prohibited;

(13) Overnight parking and camping are prohibited;

(14) Parking is allowed only in designated, posted areas;

(15) Every dog, or other domestic animal and pet, must be caged or leashed, with a maximum eight foot (8') length leash, and at all times under the control and/or supervision of its owner. All persons must properly dispose of any feces deposited by any domestic animal or pet, which has been brought by them to the park grounds;

(16) No unlicensed motor vehicles are permitted, unless expressly authorized in advance by the municipality, and no licensed motor vehicle is permitted on any trails or planted grass areas;

(17) No person shall utilize picnic pavilions during hours of posted reservation by the municipality;

(18) Fires are permissible only in the existing fireplace and/or charcoal grills located on the park grounds, and all permissible fires must be supervised, contained and controlled at all times. No outside grills may be brought onto park grounds;

(19) Children under the age of fourteen (14) years must be supervised by an adult at all times when on park grounds and/or using the recreation facilities; and

(20) All persons must observe any and all other posted rules and/or regulations. (as added by Ord. #2005-27, April 2005)

11-702. <u>Hours of operation and use</u>. (1) The park and recreation facilities shall be open for use from daylight until 11:00 P.M.;

(2) Exceptions to the hours of operation and use shall be granted only in advance by express permission of the municipality. (as added by Ord. #2005-27, April 2005)

CHAPTER 8

PENALTIES

SECTION

11-801. Penalties.

11-801. Penalties. Any violation of any provision of this title shall be punishable as a misdemeanor and, upon conviction thereof, shall include a fine of not more than fifty dollars ($50.00), or not to exceed the maximum amount hereafter established by the legislature of the State of Tennessee, per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the Town of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. (as replaced and renumbered by Ord. #2005-27, April 2005)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. INTERNATIONAL BUILDING CODE, INTERNATIONAL EXISTING BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE.
2. INTERNATIONAL PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. EXCAVATION AND GRADING CODE.
6. INTERNATIONAL MECHANICAL CODE.
7. MODEL ENERGY CODE.
8. [DELETED.]
9. [DELETED.]
10. BOARD OF CONSTRUCTION AND MECHANICS CODE APPEALS.

CHAPTER 1

INTERNATIONAL BUILDING CODE, EXISTING BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE[1]

SECTION

12-101. International Building Code, International Existing Building Code and International Residential Code adoption.
12-102. Definitions.
12-103. Permit fees and penalties.
12-104. Available in recorder's office.
12-105. Violations and penalty.
12-106. Amendments to the International Building Code, the International Existing Building Code, and the International Residential Code, 2018 editions.

12-101. International Building Code, International Existing Building Code, and International Residential Code adoption. Pursuant

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[1]Municipal code references

Fire protection: title 7, chapter 2 and 3.
Planning and zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, as amended, and for the purpose of establishing the minimum requirements to safeguard the public health, safety and general welfare through regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal and demolition of every building or structure or appurtenance connected or attached to any building or structure, the International Building Code, the International Existing Building Code, and the International Residential Code, 2018 editions, as prepared, published and adopted by the International Code Council,[1] except as amended in § 12-106, are hereby adopted and incorporated by reference as a part of the municipal code, as if set forth verbatim herein, along with all regulations, provisions, conditions and terms adopted, and are hereafter referred to as "the building code." In the event any section of title 12, chapter 1, is in conflict with the regulations, provisions, penalties, conditions and terms of the international codes hereby adopted, as amended, the municipal code shall dictate and be liberally construed. (Ord. #2002-01, Feb. 2002, as replaced by Ord. #2004-18, Jan. 2005, Ord. #2008-63, Jan. 2009, Ord. #2016-110, Feb. 2016, and Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-102. Definitions. (1) Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the Town of Pegram who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

(2) The definition of "built space," as to be calculated on a per square foot basis for issuance of a permit in this chapter, shall mean all space under roof, enclosed or not, including but not limited to basement and garage areas, but shall not include attic area not intended for the use as a living area unless capable of being converted to a future use living area by plan or design submitted by an applicant for permit issuance. (1990 Code, § 4-102, as amended by Ord. #1995-4, July 1995, modified, as replaced by Ord. #2004-18, Jan. 2005, and amended by Ord. #2008-63, Jan. 2009)

12-103. Permit fees and penalties. For all new structures erected, either built on site or off site, or to be constructed or placed, as well as structures or buildings to be altered, repaired, remodeled, used and occupied or any appurtenance connected or attached to any building or structure, or construction requiring improvements for which an inspection is required in this chapter, or for construction or placement of accessory structures, demolition of structures, connection of driveways to a structure connecting to a public street,

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[1]Copies of these codes are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

installation of swimming pools, retaining walls, certain fences, temporary use structures, moving of structures, site preparation requiring grading, excavation or blasting, a permit as required will be issued by the town's building inspector upon, and not until, payment in full of a permit fee, in the sums set forth according to a permit fee schedule as established by resolution #2004-14. Said permit fee schedule shall set any and all exemption payments of fees. Said permit fee schedule shall be revised from time to time, as is necessary, by further resolution passed by the board of mayor and aldermen.

(2) Whenever a permit is required by this chapter, as well as ordinances of the municipality for building, utility and housing codes, and work has started or proceeded prior to obtaining the required permit, the fees herein shall double, but the payment of such double fees shall not relieve any persons from fully complying with the requirements of the building, utility and housing codes in the execution of the work, nor from any other penalties prescribed herein.

(3) A stop work order shall issue for all work which has started or proceeded prior to obtaining the required permits and/or paying the required permit fee in full, or for neglecting to fully comply with the requirements of the building, utility and housing codes or other related construction ordinances of the town in the execution of the work. Failure to comply with a stop work order shall result in a finding of guilt rendered by the town court with a punishment to include but not be limited to a fine of not more than fifty dollars ($50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine

(4) The building inspector shall be the person authorized to issue all permits and is hereby authorized to issue any necessary stop work orders for the failure to secure a proper permit and/or for failure to comply with any and all building codes or other related construction ordinances of the town.

(5) A reinspection fee is authorized for failure of an applicant who has obtained a permit to perform work in accordance with the building code for any scheduled inspection required and said reinspection fee must be paid prior to requesting reinspection.

(6) All permit fees are payable to the Town of Pegram, Tennessee at the town hall. (Ord. #2002-01, Feb. 2002, as replaced by Ord. #2004-18, Jan. 2005)

12-104. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Building Code, the International Existing Building Code, and the International Residential Code, 2018 editions, has been and is now filed in the office of the town recorder and shall be kept there for the use and inspection of the public.

(1990 Code, § 4-104, as replaced by Ord. #2004-18, Jan. 2005, Ord. #2016-110, Feb. 2016, and Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-105. Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of the publications as adopted and referenced by this chapter and referred to collectively as "the building code" herein, as modified. Each violation of any section of this chapter shall be punishable by a penalty of fifty dollars ($50.00), and each day that a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2004-18, Jan. 2005, and replaced by Ord. #2008-63, Jan. 2009)

12-106. Amendments to the International Building Code, the International Existing Building Code, and the International Residential Code, 2018 editions. The following amendments, deletions or additions to the 2018 edition of the International Building Code, the International Existing Building Code, and the International Residential Code are adopted by reference as fully as though copied into said building code:

A. International Residential Code Amendments:

1. Section R101.1 - Title: Amended by inserting "Incorporated Areas of Pegram, TN" for the jurisdiction name.

2. Section R103.1 is hereby amended by replacing the word "building official" with the word "Building Inspector." The following sentence shall be added to the end of the section: "All references herein to "building official" shall be deemed to refer to the "Building Inspector."

3. Section R105.2, subsection "Building" is hereby amended by deleting item #2 and replacing it with the following language: "2. Fences."

4. Section R105.2, subsection "Building" is further amended by adding an item #11 to read as follows: "11. Roof covering replacement that does not involve the significant replacement of roof decking or structural framing."

5. Section R112 shall be deleted in its entirety and replaced with the following: "Any appeal of a decision by the Building Inspector or his/her designee shall be made to and heard by the Board of Construction and Mechanics Codes Appeals as set forth in Title 12, Chapter 10 of the Town of Pegram Municipal Code."

6. Table R301.2(1) is hereby amended by adding the following Design Criteria in the appropriate fields:

1. Ground Snow Load - 15
2. Wind Speed (mph)- 90
3. Topographic effects- NA
4. Seismic Design Category- C
5. Weathering- Severe
6. Frost line depth- 12"
7. Termite- Mod to Hvy
8. Winter design temp- 14 degree F
9. Ice Barrier Underlayment Required- No
10. Flood Hazard- See Firm
11. Air freezing index- 500
12. Mean Annual Temp- 57 degree F

7. Section R313.1 Townhouse automatic fire sprinkler systems, is amended by adding; "... however, an automatic fire sprinkler system shall not be required in a three (3) unit townhouse with less than five thousand (5,000) square feet and three (3) or fewer stories if each unit is separated by a two (2) hour fire wall."

8. Section R313 .2 of Chapter 3 Building Planning is hereby deleted.

9. The following appendices are also adopted and incorporated in said International Residential Code:

- Appendix A - Sizing and Capacities of Gas Piping
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents
- Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
- Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance Installation
- Appendix E - Manufactured Housing Used as Dwellings
- Appendix G - Swimming Pools, Spas and Hot Tubs
- Appendix H - Patio Covers
- Appendix J - Existing Buildings and Structures
- Appendix K - Sound Transmission
- Appendix M - Home Day Care-R-3 Occupancy
- Appendix N - Venting Methods
- Appendix O - Automatic Vehicular Gates
- Appendix P - Sizing of Water Piping System

B. <u>International Building Code Amendments</u>:

1. Section [A]101.1 - Title: Such section is hereby amended by inserting "Incorporated Areas of Pegram, TN" for the jurisdiction name.

2. Section [A]103.1 is hereby amended by replacing the word "building official" with the word "Building Inspector." The following sentence shall be added to the end of the section: "All references herein to "building official" shall be deemed to refer to the "Building Inspector."

3. Section R113 shall be deleted in its entirety and replaced with the following: "Any appeal of a decision by the Building Inspector or his/her designee shall be made to and heard by the Board of Construction and Mechanics Codes Appeals as set forth in Title 12, Chapter 10 of the Town of Pegram Municipal Code."

4. The following appendices are also adopted and incorporated in said International Building Code:

- Appendix C - Group U - Agricultural Buildings
- Appendix I - Patio Covers
- Appendix J - Grading

C. International Existing Building Code Amendments:

1. Section [A]101.1 - Title: Such section is hereby amended by inserting "Incorporated Areas of Pegram, TN" for the jurisdiction name.

2. Section [A]103.1 is hereby amended by replacing the word "code official" with the word "Building Inspector." The following sentence shall be added to the end of the section: "All references herein to "code official" shall be deemed to refer to the "Building Inspector."

3. Section R112 shall be deleted in its entirety and replaced with the following: "Any appeal of a decision by the Building Inspector or his/her designee shall be made to and heard by the Board of Construction and Mechanics Codes Appeals as set forth in Title 12, Chapter 10 of the Town of Pegram Municipal Code."

4. The following appendices are also adopted and incorporated in said International Existing Building Code:

- Appendix B - Supplementary Accessibility Requirements for Existing Buildings and Facilities

(as added by Ord. #2016-110, Feb. 2016, amended by Ord. #2018-124, April 2018 ***Ch3_12-05-22***, and replaced by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

CHAPTER 2

INTERNATIONAL PLUMBING CODE[1]

SECTION

12-201. International Plumbing Code adopted.
12-202. Modifications.
12-203. Available in recorder's office.
12-204. Violations and penalties.
12-205. Amendments to the International Plumbing Code, 2012 edition.

12-201. International Plumbing Code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, as amended, the International Plumbing Code, 2012 edition, as prepared, published and adopted by the International Code Council,[2] except as amended in § 12-205, is hereby adopted and incorporated by reference as a part of the municipal code, as if set forth verbatim herein. In the event any section of title 12, chapter 2, is in conflict with the regulations, provisions, penalties, conditions and terms of the International Plumbing Code hereby adopted, as amended, the municipal code shall dictate and be liberally construed. (Ord. #2002-06, Feb. 2002, as replaced by Ord. #2005-21, Feb. 2005, and Ord. #2008-64, Jan. 2009, renumbered by Ord. #2009-23, May 2009, and replaced by Ord. #2016-112, Feb. 2016)

12-202. Modifications. Whenever in the International Plumbing Code reference is made to the duties of a certain official named therein, that designated official of the Town of Pegram who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the International Plumbing Code are concerned. (1990 Code, § 4-202, modified, as replaced by Ord. #2005-21, Feb. 2005, and Ord. #2008-64, Jan. 2009, and renumbered by Ord. #2009-23, May 2009)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International

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[1]Municipal code references
Street excavations: title 16, chapter 2.
Wastewater treatment: title 18.
Water and sewer system administration: title 18.

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

Plumbing Code, 2012 edition, has been and is now filed in the office of the town recorder and shall be kept there for the use and inspection of the public. (Ord. #2002-06, Feb. 2002, as replaced by Ord. #2005-21, Feb. 2005, and Ord. #2008-64, Jan. 2009, renumbered by Ord. #2009-23, May 2009, and replaced by Ord. #2016-112, Feb. 2016)

12-204. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Plumbing Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. It shall be a civil offense for any person to violate or fail to comply with any provision of this chapter, as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a fine of fifty dollars ($50.00) for each offense, or up to the maximum amount, which the legislature of the State of Tennessee may hereafter establish. Each day a violation is allowed to continue shall constitute a separate offense. Any fine imposed is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the town. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1990 Code, § 4-204, as replaced by Ord. #2005-21, Feb. 2005, and renumbered by Ord. #2009-23, May 2009)

12-205. Amendments to the International Plumbing Code, 2012 edition. The following amendments, deletions or additions to the 2012 edition of the International Plumbing Code are hereby adopted by reference as fully as though copied into said International Plumbing Code:

1. Section [A]101.1 - Title: Such section is hereby amended by inserting "Incorporated Areas of Pegram, TN" for the jurisdiction name.

2. Section 305.4.1 is hereby amended by inserting" ... 18" inches ... " into the blank fields.

3. The following appendices are also adopted and incorporated in said International Plumbing Code:

- Appendix B - Rates of Rainfall for Various Cities
- Appendix C - Vacuum Drainage System
- Appendix D - Degree Day and Design Temperatures
- Appendix E - Sizing of Water Piping System
- Appendix F - Structural Safety

(as added by Ord. #2016-112, Feb. 2016)

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. Inspections.
12-307. Fees.
12-308. Exceptions.

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. (1990 Code, § 4-301, as amended by Ord. #2000-7, Feb. 2000, modified, and renumbered by Ord. #2009-73, May 2009)

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. (1990 Code, § 4-302, as renumbered by Ord. #2009-73, May 2009)

12-303. Permit required for doing electrical work. No electrical work shall be done within this town until a permit therefor has been issued by the town. 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. (1990 Code, § 4-303, as renumbered by Ord. #2009-73, May 2009)

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[1]Municipal code references
Fire protection: title 7, chapters 2 and 3.

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

12-304. Violations. It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1990 Code, § 4-304, as renumbered by Ord. #2009-73, May 2009)

12-305. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen may 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. (1990 Code, § 4-305, modified, as renumbered by Ord. #2009-73, May 2009)

12-306. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or electrical work system before electric service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or electrical work system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (as renumbered by Ord. #2009-73, May 2009)

12-307. 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. (1990 Code, § 4-306, as renumbered by Ord. #2009-73, May 2009)

12-308. Exceptions. The electric utilities entities that serve the Town of Pegram require inspection by state inspectors prior to serving any new or modified electric service customer. This inspection will be accepted in lieu of the above requirements, except that this exception will not prevent the Town of Pegram from requiring electrical inspection for safety and enforcement of companion codes, if required. (1990 Code, § 4-307, as renumbered by Ord. #2009-73, May 2009)

CHAPTER 4

GAS CODE[1]

SECTION

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

12-401. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the town. The following definitions are provided for the purpose of interpretation and administration of the gas code.

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

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

(3) "Gas company" means any person distributing gas within the corporate limits or authorized and proposing to so engage.

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

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1990 Code, § 4-401, as renumbered by Ord. #2009-73, May 2009)

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

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[1]Municipal code reference

Gas system administration: title 19, chapter 2.

installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,[1] 1997 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the town recorder for the use and inspection of the public. (1990 Code, § 4-402, as amended by Ord. #2000-6, Feb. 2000, and renumbered by Ord. #2009-73, May 2009)

12-403. Use of existing piping and appliances. Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1990 Code, § 4-403, as renumbered by Ord. #2009-73, May 2009)

12-404. Bond and license. (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the town recorder a good and sufficient bond in the penal sum of $10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the town recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in

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[1]Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1990 Code, § 4-404, as renumbered by Ord. #2009-73, May 2009)

12-405. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, may be appointed or designated by the board of mayor and aldermen. (1990 Code, § 4-405, modified, as renumbered by Ord. #2009-73, May 2009)

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

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

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1990 Code, § 4-406, as renumbered by Ord. #2009-73, May 2009)

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

(2) When only temporary use of gas is desired, the recorder may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the

consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system. (1990 Code, § 4-407, as renumbered by Ord. #2009-73, May 2009)

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

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

(3) The town shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1990 Code, § 4-408, modified, as renumbered by Ord. #2009-73, May 2009)

12-409. Certificates. The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1990 Code, § 4-409, as renumbered by Ord. #2009-73, May 2009)

12-410. Fees. The permit fee schedule as recommended in Appendix "C" of the gas code is hereby adopted. (1990 Code, § 4-410, as renumbered by Ord. #2009-73, May 2009)

12-411. Exceptions. The gas service entities that serve the Town of Pegram require inspection by state inspectors prior to serving any new or modified gas service customer. This inspection will be accepted in lieu of the above requirements, except that this exception will not prevent the Town of Pegram from requiring electrical inspection for safety and enforcement of companion codes, if required. (as renumbered by Ord. #2009-73, May 2009)

12-412. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1990 Code, § 4-411, as renumbered by Ord. #2009-73, May 2009)

CHAPTER 5

EXCAVATION AND GRADING CODE[1]

SECTION

12-501. Code adopted.
12-502. Violations and penalties.

12-501. Code adopted. There is hereby adopted for the purpose of establishing rules and regulations relative to excavations and grading performed within the corporate limits the Standard Grading/Excavation Code,[2] 1975 edition, published by the Southern Building Code Congress, International, Inc., which is incorporated by reference as a part of this code the same as if fully set out herein, save and except such portions that are hereinafter deleted, modified, or amended, or in conflict with this code of ordinances. One (1) copy of the code adopted herein has been and now is filed in the office of the recorder and same is hereby adopted and incorporated fully as if set out at length herein, and the provisions thereof shall be controlling in the town. (1990 Code, § 4-701, as renumbered by Ord. #2009-73, May 2009)

12-502. Violations and penalties. Any person who shall violate or fail to comply with any of the provisions of the grading and excavation code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1990 Code, § 4-702, as renumbered by Ord. #2009-73, May 2009)

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[1]Municipal code references
Fire protection: title 7, chapters 2 and 3.
Zoning: title 14.
Streets and other public ways and places: title 16.
Utilities and services: titles 18 and 19.

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

CHAPTER 6

INTERNATIONAL MECHANICAL CODE[1]

SECTION

12-601. International Mechanical Code adopted.
12-602. Available in recorder's office.
12-603. Violations and penalties.
12-604. Amendments to the International Mechanical Code, 2012 edition.

12-601. International Mechanical Code adopted. Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, as amended, the International Mechanical Code, 2012 edition, as prepared, published and adopted by the International Code Council,[2] except as amended in § 12-604, is hereby adopted and incorporated by reference as a part of the municipal code, as if set forth verbatim herein. In the event any section of title 12, chapter 6, is in conflict with the regulations, provisions, penalties, conditions and terms of the International Mechanical Code hereby adopted, as amended, the municipal code shall dictate and be liberally construed. (Ord. #2002-05, Feb. 2002, as replaced by Ord. #2005-22, Feb. 2005, and Ord. #2008-65, Jan. 2009, renumbered by Ord. #2009-73, May 2009, and replaced by Ord. #2016-111, Feb. 2016)

12-602. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the International Mechanical Code, 2012 edition, has been and is now filed in the office of the town recorder and shall be kept there for the use and inspection of the public. (as added by Ord. #2008-65, Jan. 2009, renumbered by Ord. #2009-73, May 2009, and replaced by Ord. #2016-111, Feb. 2016)

12-603. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the International Mechanical Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or

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[1]Municipal code references
Street excavations: title 16, chapter 2.
Wastewater treatment: title 18, chapter 2.
Water and sewer system administration: title 18.

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

permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. It shall be a civil offense for any person to violate or fail to comply with any provision of this chapter, as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a fine of fifty dollars ($50.00) for each offense, or up to the maximum amount, which the legislature of the State of Tennessee may hereafter establish. Each day a violation is allowed to continue shall constitute a separate offense. Any fine imposed is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the town. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1990 Code, § 4-802, modified, as replaced by Ord. #2005-22, Feb. 2005, and renumbered by Ord. #2008-65, Jan. 2008, and Ord. #2009-73, May 2009)

12-604. Amendments to the International Mechanical Code, 2012 edition. The following amendments, deletions or additions to the 2012 edition of the International Mechanical Code are hereby adopted by reference as fully as though copied into said International Mechanical Code:

1. Section [A101.1 - Title: Such section is hereby amended by inserting "Incorporated Areas of Pegram, TN" for the jurisdiction name.

2. The following appendices are also adopted and incorporated in said International Mechanical Code:

- Appendix A - Chimney Connector Pass-through's.

(as added by Ord. #2016-111, Feb. 2016)

CHAPTER 7

MODEL ENERGY CODE[1]

SECTION

12-701. Model energy code adopted.
12-702. Modifications.
12-703. Available in recorder's office.
12-704. Violations and penalties.

12-701. Model energy code adopted. Pursuant to the authority of Tennessee Code Annotated, §§ 6-54-501 through 506, the Model Energy Code, 2003 edition (hereinafter referred to as "the energy code"), as prepared and maintained by the Council of American Building Officials, is hereby adopted and incorporated in its entirety by reference with all regulations, provisions, penalties, conditions and terms adopted and made part hereof as if fully set forth herein. (as replaced by Ord. #2005-24, Feb. 2005, and renumbered by Ord. #2009-73, May 2009)

12-702. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the Town of Pegram. When the "building official" is named it shall, for the purposes of the energy code, mean such person as the board of mayor and aldermen shall have appointed or designated to administer and enforce the provisions of the energy code. (as renumbered by Ord. #2009-73, May 2009)

12-703. 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. (as renumbered by Ord. #2009-73, May 2009)

12-704. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Model Energy Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order

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[1]State law reference

Tennessee Code Annotated, § 13-19-106.

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.

made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. It shall be a civil offense for any person to violate or fail to comply with any provision of this chapter, as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a fine of fifty dollars ($50.00) for each offense, or up to the maximum amount, which the legislature of the State of Tennessee may hereafter establish. Each day a violation is allowed to continue shall constitute a separate offense. Any fine imposed is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of the town. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (as replaced by Ord. #2005-24, Feb. 2005, and renumbered by Ord. #2009-73, May 2009)

CHAPTER 8

[DELETED]

(as deleted by Ord. #2004-18, Jan. 2005, and renumbered by Ord. #2009-73, May 2009)

CHAPTER 9

[DELETED]

(as deleted and renumbered by Ord. #2009-73, May 2009)

CHAPTER 10

BOARD OF CONSTRUCTION AND MECHANICS CODE APPEALS

SECTION

12-1001. Board of building construction appeals established; appointment of members.
12-1002. Composition of board.
12-1003. Appointment; terms.
12-1004. Appeals.
12-1005. Unsafe conditions.
12-1006. Decisions.
12-1007. Action.
12-1008. Rules of procedure.
12-1009. Quorum.
12-1010. Secretary of board.
12-1011. Decisions are final.
12-1012. Fees.

12-1001. Board of building construction appeals established; appointment of members. There is hereby created and established a board to be called the board of construction and mechanics codes appeals which shall consist of three (3) citizens from the Town of Pegram, qualified as set forth in this chapter, and which shall be appointed by the mayor and subject to approval by a majority vote of the board of mayor and aldermen. The building inspector shall be an ex officio member of the board but shall have no vote on any matter before the board. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1002. Composition of board. The board of construction and mechanics codes appeals shall be composed of the following:

(1) A member that is a current State of Tennessee licensed engineer;
(2) A member at large from the building industry; and
(3) A member at large from the public.

All board members shall be residents of the Town of Pegram at the time of their appointment and during then term on the board. At the first meeting of the board after the appointment of members of the board created by this chapter, they shall meet and organize, electing one (1) of their members to be chairman of the board and one (1) member to be vice chairman. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1003. Appointment; terms. The members shall be nominated by the mayor, subject to board of mayor and aldermen confirmation, for terms of four (4) years each. Vacancies shall be filled for a term in the manner in which original appointments are made. Continued absence of any member from regular

meetings of the board shall, at the discretion of the mayor, render such member subject to immediate removal horn the board by the mayor. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1004. Appeals. (1) The owner of a building, structure or service system, or his /her duly-authorized agent, may appeal a decision of the building inspector or his/her designee with respect to any code adopted in title 12 and title 7, chapter 1, of the Town of Pegram Municipal Code to the board of construction and mechanics codes appeals whenever any one (1) of the following conditions are claimed to exist:

(a) When it is claimed that the provisions of the code (including revisions and new additions thereto) do not apply;

(b) That any equally good or more desirable form of installation can be employed in any specific case; or

(c) When it is claimed that the true intent and meaning of the code or any of the regulations thereunder have been misconstrued or wrongly interpreted.

(2) Notice of appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the building inspector or his designee. An appeal shall be on forms provided by the building inspector. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1005. Unsafe conditions. In case of a construction project which, in the opinion of the building inspector or his/her designee, is unsafe, unhealthy, or otherwise creates an issue requiring expedited action in order to foster the public welfare, the building inspector or his/her designee may limit the time for an appeal to a shorter period. If the building inspector or his/her designee limits the time for appeal, he/she must put their specific reasons in writing and provide a copy to the property owner. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1006. Decisions. The board of construction and mechanics codes appeals, when appealed to, may interpret the application of any provision of the town's adopted codes to any particular case when in the board's opinion, the true intent of the codes or miles have been incorrectly interpreted, the provisions of the codes do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of the codes. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1007. Action. The board shall consider an appeal within thirty (30) days of its filing and shall reach a decision within thirty (30) days after the initial consideration of the appeal, unless the applicant requests or consents to additional time. Each decision of the board shall also include the basis for its decision, which shall be reduced to writing and signed by the chairman. If a

decision of the board reverses or modifies a decision of the building inspector or his/her designee or varies the application of any provision of the adopted code, the building inspector or his/her designee shall immediately take action in accordance with that decision. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1008. Rules of procedure. The board of construction and mechanics codes appeals may establish guidelines and procedures consistent with the provisions of the adopted codes. The board shall meet at such intervals as it may deem necessary for the proper performance of its duties. A certified copy of the board's decision shall be sent by mail to the appellant and a copy shall be kept in the public records of the building inspector. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1009. Quorum. Two (2) members of the board of construction and mechanics codes appeals shall constitute a quorum. In varying the application of any provisions of the adopted code or in modifying an order of the building inspector or his/her designee, affirmative votes of the majority present, but not less than two (2) affirmative votes, shall be required. A board member shall not act in a case in which he or she might have a personal interest. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1010. Secretary of board. The building inspector or his/her designee shall serve as secretary of the board and shall keep a detailed record of the board's meetings and determinations. Such record shall be a public record filed in the offices of building and codes department. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1011. Decisions are final. Each decision of the board of construction and mechanics codes appeals shall be final, subject only to such review or remedy as may be obtained in a court of law. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

12-1012. Fees. When a decision of the building inspector or his/her designee is appealed to the board of construction and mechanics codes appeals, the property owner or applicant shall pay a filing fee of one hundred dollars ($100.00), which may be refundable at the discretion of the board if the board overturns the decision of the building inspector or his/her designee. (as added by Ord. #2022-148, Dec. 2022 ***Ch3_12-05-22***)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER
1. MISCELLANEOUS.
2. DANGEROUS AND UNSAFE BUILDINGS.
3. JUNKYARDS.
4. ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES.
5. SLUM CLEARANCE.
6. PENALTIES.

CHAPTER 1

MISCELLANEOUS

SECTION
13-101. Health officer.
13-102. Overgrown and dirty lots.
13-103. Smoke, soot, cinders, etc.
13-104. Stagnant water.
13-105. Dead animals.
13-106. Health and sanitation nuisances.
13-107. Throwing, dumping or depositing litter.
13-108. Weeds.

13-101. Health officer. The "health officer" of the Town of Pegram is the municipal, county, state, or privately contracted officer as the mayor shall appoint or designate to administer and enforce health and sanitation regulations within the town. (as added by Ord. #2008-60, Jan. 2009)

13-102. Overgrown and dirty lots. (1) It is unlawful for any owner of record of real property to create, maintain, or permit to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulations of debris, trash, litter, garbage, filth or to allow the accumulation or creation of debris which could be blown onto neighboring properties, or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of flies, rodents, vermin and other harmful animals on the premises such that the same is a menace to the public

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

health or an annoyance of people residing in the vicinity. In addition to the foregoing, the following actions or inactions by any person within the Town of Pegram hereby are declared to be unlawful and nuisances:

(a) For any person to permit or suffer weeds, trees and/or other vegetation to grow or to allow trash to accumulate which is injurious to or likely to imperil the health, safety and welfare of the residents of the Town of Pegram and the general public;

(b) For any person to permit or suffer any substance, animal or thing to accumulate on his property, which substance is or is likely to become a public nuisance, or which is likely to imperil the life, health or safety of any persons, or which, through the giving off of odors or noises is or is likely to become offensive or injurious to the comfort or safety of the residents and the general public;

(c) For any person to permit the residence or any other buildings or structures on his property to become so dilapidated, or neglected in appearance, as to become offensive or injurious to the senses, comfort, or safety of the residents and the general public.

Such nuisance may be abated and the cost of the abatement shall be assessed against the owner of the property as stipulated and in the manner prescribed in § 13-102(3).

(2) The health officer is directed to make regular inspections of all property within the Town of Pegram to determine if a violation of subsection (1) exists. In the event he finds any violation, he shall cause notice to be forwarded, by registered or certified mail, return receipt requested, to the last known address of all owners of such property as are shown on the tax books of the town, advising the owners of the existence of the condition that is in violation of subsection (1) hereof, and further advising that unless compliance is effected within fifteen (15) calendar days from the date of mailing such notice, the Town of Pegram will cause the cutting and/or removal to be accomplished, and the expense thereof charged to the property and the owners thereof as shown by said tax books. In addition to the aforesaid, the notice shall state that the owner(s) of the property is entitled to a hearing, and shall, at a minimum, contain the following additional information:

(a) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition;

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

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

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

(3) In the event the property owner of record fails or refuses to remedy the noted condition within the prescribed time, the health officer shall immediately cause the condition to be remedied or removed and the cost thereof

shall be assessed against the owner of the property. The health officer shall then notify the owners of the property of the amount of such expense, by registered or certified mail, return receipt requested, and shall further notify such owners that the reimbursement of such expense is required within thirty (30) days from the date of such notice. All owners of property shall be liable, jointly and severally, for the expense of the remedy and/or removal accomplished by the town on their property, and the property itself shall be subject to suit or lien for reimbursement of such expenses at the conclusion of the thirty (30) day period.

(4) Upon the filing of the notice with the office of the Register of Deeds in Cheatham County, the costs shall be a lien on the property in favor of the town, second only to liens of the state, county and town for taxes, any lien of the town 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 placed on the tax rolls of the town as a lien and shall be added to property tax bills for collection at the same time and in the same manner as property taxes are collected and, if the said taxes remain unpaid, subsequently as delinquent property taxes are collected with the same penalty(ies) and interest as delinquent property taxes. In the event such expenses are not reimbursed by December 31 of the year in which they were incurred, or after the thirty (30) day period has expired, whichever is later, then the health officer shall notify the town attorney of all such amounts so expended, and the town attorney is authorized and directed to institute suits in the name of the Town of Pegram to recover all sums expended by the town pursuant to the provisions of this section, as well as all costs incurred in connection with collecting the unpaid expenses, including, but not limited to, interest, attorney fees and court costs.

(5) The owner of record who is aggrieved by the determination and order of the health officer may appeal the determination and order to the board of mayor and aldermen. The appeal shall be filed with the town recorder pursuant to subsection (2). Failure to timely appeal shall, without exception, constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board of mayor and aldermen under this section may seek judicial review of the order or act. The fifteen (15) day period prescribed in subsection (2) is stayed during the pendency of a hearing.

(6) The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the town to proceed against an owner, tenant or occupant of property. (1990 Code, § 8-103, modified, as amended by Ord. #2007-52, Aug. 2007, and replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-103. <u>Smoke, soot, cinders, etc</u>. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders,

noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1990 Code, § 8-101, as renumbered by Ord. #2008-60, Jan. 2009)

13-104. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1990 Code, § 8-102, as renumbered by Ord. #2008-60, Jan. 2009)

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 town recorder and dispose of such animal in such manner as the town recorder shall direct. (1990 Code, § 8-104, as renumbered by Ord. #2008-60, Jan. 2009)

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. (1990 Code, § 8-105, as renumbered by Ord. #2008-60, Jan. 2009)

13-107. Throwing, dumping or depositing litter. A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter, which includes garbage, refuse, rubbish and all other waste materials, on property owned by another person without the permission of the owner or occupant of such property or on any town street or road, upon town parks or recreation areas, or upon any other town property within the corporate limits, except for property designated for that use. (as renumbered by Ord. #2008-60, Jan. 2009)

13-108. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order to cut such vegetation when it has reached a height of over one (1) foot. (as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 2

DANGEROUS AND UNSAFE BUILDINGS

SECTION

13-201. Dangerous and unsafe buildings defined.
13-202. Dangerous and unsafe buildings declared nuisance.
13-203. Standards for repair, vacation or demolition.
13-204. Duties of health officer.
13-205. Occupancy of unsafe buildings; notice of prohibited occupancy.
13-206. Duties of board of mayor and aldermen.
13-207. Duties of town attorney.
13-208. Duties of fire department.
13-209. Emergency cases; imminent danger.
13-210. Owner absent from town.
13-211. Administrative liability.
13-212. Violations; penalty for disregarding notices or orders.
13-213. Expenses to be a lien on property.

13-201. Dangerous and unsafe buildings defined. All buildings or structures that have any or all of the following defects shall be deemed dangerous buildings:

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind, or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the people of the town.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living within.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of emergency exit.

(8) Those having parts attached in such a way that the part(s) may fall or otherwise detach and injure members of the public or damage property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the townspeople of Pegram.

(10) Those buildings existing in violation of any provision of the building code of this town, or any provision of the fire prevention code, or other ordinances of the town. (as added by Ord. #2008-60, Jan. 2009)

13-202. Dangerous and unsafe buildings declared nuisance. All dangerous buildings, as defined in this chapter, are hereby declared to be public nuisances and shall be vacated, removed, repaired, rehabilitated or demolished as provided in this chapter. (as added by Ord. #2008-60, Jan. 2009)

13-203. Standards for repair, vacation or demolition. The following standards shall be followed in substance by the health officer, building inspector and/or the board of mayor and aldermen in ordering repair, vacation or demolition:

(1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

(2) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and secured against further entry until such time as it is determined that said building is to be repaired or demolished pursuant to the provisions of § 13-206.

(3) In any case where a dangerous building is fifty percent (50%) damaged or destroyed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any other ordinance of the town or statute of the state, it shall be demolished. (as added by Ord. #2008-60, Jan. 2009)

13-204. Duties of health officer. The health officer, or his designee, shall:

(1) At reasonable intervals and/or when in his opinion he considers it reasonably necessary, inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any

conditions exist which render such places dangerous buildings within the terms of § 13-201.

(2) Inspect any building, wall or structure about which complaints are reported pursuant to town policy by any person to the effect that a building, wall or structure is or may exist in violation of the terms of this chapter.

(3) Inspect any building, wall or structure reported by the town's fire department or Cheatham County Sheriff's Department or town building inspector, or otherwise known to or believed by him, as probably existing in violation of the terms of this chapter.

(4) Notify in writing the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building as shown by the land records of the Cheatham County Register of Deeds and any building found by him to be a dangerous building within the standards defined in this chapter, that:

(a) The owner must vacate, repair, or demolish said building in accordance with the terms of the notice and this chapter;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other person(s) having an interest in said building as shown by the land records of the Cheatham County Register of Deeds may, at his own risk, repair, vacate or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building is given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(5) Set forth, in the notification provided for in subsection (4) above, a description of the building or structure deemed unsafe, a statement of particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding sixty (60) days, as is reasonable.

(6) Report to the Town of Pegram Board of Mayor and Aldermen any noncompliance with the notification provided for in subsections (4) and (5) above.

(7) Appear at all hearings conducted by or at the direction of the Pegram Board of Mayor and Aldermen and testify as to the condition of dangerous buildings.

(8) Place a notice on all dangerous buildings, reading as follows:

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS AND UNSAFE BUILDING BY THE HEALTH INSPECTOR FOR THE TOWN OF PEGRAM, TENNESSEE. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED,

VACATED OR DEMOLISHED IN ACCORDANCE WITH THE NOTIFICATION PROVIDED TO THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THIS BUILDING, AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID BUILDING AS SHOWN BY THE RECORDS IN THE TAX ASSESSOR'S OFFICE AND/OR BY THE LAND RECORDS OF THE CHEATHAM COUNTY REGISTER OF DEEDS. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH."

(as added by Ord. #2008-60, Jan. 2009)

13-205. Occupancy of unsafe buildings; notice of prohibited occupancy. If necessary, such notice shall also require the building or structure or portion thereof to be vacated forthwith and not re-occupied until the specific repairs and improvements have been completed and a valid certificate of occupancy has been issued. Such notice shall remain posted until the required repairs are made or until demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents or representatives, to remove such notice without written permission of the health officer, or for any person to enter such building or structure except for the purpose of making the required repairs of or demolishing same. (as added by Ord. #2008-60, Jan. 2009)

13-206. Duties of board of mayor and aldermen. The Board of Mayor and Aldermen of the Town of Pegram shall:

(1) Upon receipt of a report of the health officer as provided for in this chapter, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the land records of the Cheatham County Register of Deeds and/or the tax records in the tax assessor's office to appear before the board of mayor and aldermen on the date and time specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the health officer's notice as provided in this chapter.

(2) Hold a hearing and hear such testimony as the health officer or the owner, occupant, mortgagee, lessee or any other person having an interest in the building or structure as shown by the land records of the Cheatham County Register of Deeds or the tax records of the tax assessor's office shall offer relative to the dangerous building.

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a dangerous building within the terms of this chapter.

(4) Issue an order based upon the findings of fact made pursuant to subsection (3) above, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building or structure as shown

by the land records of the Cheatham County Register of Deeds and/or the tax records in the tax assessor's office to repair, vacate or demolish any building or structure found to be a dangerous building within the terms of this chapter and provided that any person so notified shall have the opportunity of either vacating or repairing such dangerous building, or any person having an interest in such building may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands.

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) above within the time period designated by the board of mayor and aldermen, not to exceed sixty (60) days, the board of mayor and aldermen shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards provided for in § 13-203, and may with the assistance of the town attorney cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this town, the board of mayor and aldermen shall notify the town attorney to take legal action to force the owner to make all necessary repairs or demolish the building or structure.

(6) Report to the town attorney the names of all persons not complying with the order provided for in subsection (4) above. (as added by Ord. #2008-60, Jan. 2009)

13-207. Duties of town attorney. The town attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in §§ 13-204(4) and (5) and 13-205 and/or the order provided for in § 13-206(4).

(2) Appear at all hearings before the board of mayor and aldermen in regard to dangerous buildings, when requested to do so.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the board of mayor and aldermen in repairing or causing to be vacated or demolished dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this chapter. (as added by Ord. #2008-60, Jan. 2009)

13-208. Duties of fire department. The fire chief shall make a report in writing to the health officer of all buildings or structures which are, or may be, or are suspected of being dangerous buildings as defined in this chapter. Such written reports must be delivered to the health officer or the mayor within twenty-four (24) hours of, or on the next business day following, discovery by the

fire chief. In the event a weekend or holiday next follows discovery of the dangerous building, the fire chief may make an initial oral report to the health officer or the mayor and then file his written report on the next business day following discovery. (as added by Ord. #2008-60, Jan. 2009)

13-209. Emergency cases; imminent danger. In cases where it reasonably appears that there is immediate danger to the life, health or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated or demolished, the health officer shall have the right to cause the immediate repair, rehabilitation, removal, vacation or demolition of such dangerous building. For the purpose of immediately causing such building, structure or portion thereof to be made safe or removed, the health officer may enter such building, structure or premises upon which the imminent danger is located, or abutting land or structures, at once, with such assistance and at such cost(s) as he may deem necessary. The health officer may vacate adjacent buildings and/or structures and protect the public by appropriate barricades or other such means as may be necessary, and for this purpose may close a public or private street, alley or means of access. The costs of such emergency repair, vacation or demolition of such dangerous building, as well as any necessary vacation of adjacent properties, shall be collected in the manner provided in § 13-206. The decision of the health officer shall be final in cases of emergency, without notice to the owner, which in the health officer's opinion involve such imminent danger to human life, health or safety. (as added by Ord. #2008-60, Jan. 2009)

13-210. Owner absent from town. In cases, other than emergencies as defined in § 13-209, where the owner, occupant, lessee, or mortgagee is absent from the Town of Pegram, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, lessee or mortgagee and all other persons having an interest in said building as shown in the Cheatham County land records of the register of deeds and/or in the tax assessor's office, to the last known address of each and a copy of such notice shall be posted conspicuously on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. Alternatively, the notices and orders provided for herein may be served on such parties in the same manner as a summons is served in the courts of general jurisdiction. (as added by Ord. #2008-60, Jan. 2009)

13-211. Administrative liability. No officer, agent or employee of the town shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the town

attorney until the final determination of the proceeding. (as added by Ord. #2008-60, Jan. 2009)

13-212. Violations; penalty for disregarding notices or orders.

(1) Any owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish such building when such notice or order is given by any person authorized by this chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(2) Any occupant or lessee in possession of a dangerous building who fails to comply with any notice to vacate or who fails to repair such building or structure in accordance with any notice given under the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(3) Any person removing the notices provided for in §§ 13-204 and/or 13-205 shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided by municipal code or state statute.

(4) Each day that a violation of any provision of this chapter continues shall constitute a separate offense and an additional violation. Any fine imposed as a result hereof is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. (as added by Ord. #2008-60, Jan. 2009)

13-213. Expenses to be a lien on property. Any and all expenses incurred under the requirements of this chapter shall be charged to the owner of the premises involved as shown by the books of the tax assessor's office and/or in the Cheatham County Register of Deed's office and shall be a lien against the real property upon which such costs were incurred, until paid. (as added by Ord. #2008-60, Jan. 2009)

CHAPTER 3

JUNKYARDS

SECTION

13-301. Definitions.
13-302. Junkyard screening.
13-303. Screening methods.
13-304. Requirements for effective screening.
13-305. Maintenance of screens.
13-306. Utilization of highway right-of-way.
13-307. Non-conforming junkyards.
13-308. Permits and fees.

13-301. Definitions. (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, trucks, vehicles of all kinds, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps, sanitary landfills, and recycling centers. 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. Such yards shall be maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

(3) "Recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying, or selling of newspaper or used food or beverage containers or plastic containers for the purpose of converting such items into a usable product.

(4) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic, or corporation.

(5) "Screening" means the use of plantings, fencing, natural objects, and other appropriate means which screen any deposit of junk so that the junk is not visible from the highways and streets of the town. (1990 Code, § 8-501, modified, as amended and renumbered by Ord. #2008-60, Jan. 2009)

13-302. Junkyard screening. Every junkyard shall be screened or otherwise removed from view by its owner or operator in such a manner as to

bring the junkyard into compliance with this chapter. (1990 Code, § 8-502, as renumbered by Ord. #2008-60, Jan. 2009)

13-303. Screening methods. The following methods and materials for screening are given for consideration only:

(1) Landscape planting. The planting of trees, shrubs, etc., of sufficient size and density to provide a year-round effective screen. Plants of the evergreen variety are recommended.

(2) Earth grading. The construction of earth mounds which are graded, shaped, and planted to a natural appearance.

(3) Architectural barriers. The utilization of:

(a) Panel fences made of metal, plastic, fiberglass, or plywood.

(b) Wood fences of vertical or horizontal boards using durable woods such as western cedar or redwood or others treated with a preservative.

(c) Walls of masonry, including plain or ornamented concrete block, brick, stone, or other suitable materials.

(4) Natural objects. Naturally occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening or used in conjunction with fences, plantings, or other appropriate objects to form an effective screen. (1990 Code, § 8-503, as renumbered by Ord. #2008-60, Jan. 2009)

13-304. Requirements for effective screening. Screening may be accomplished using natural objects, earth mounds, landscape plantings, fences, or other appropriate materials used singly or in combination as approved by the town. The effect of the completed screening must be the concealment of the junkyard from view on a year-round basis.

(1) Screens which provide a "see-through" effect when viewed from a moving vehicle shall not be acceptable.

(2) Open entrances through which junk materials are visible from the main traveled way shall not be permitted except where entrance gates, capable of concealing the junk materials when closed, have been installed. Entrance gates must remain closed from sundown to sunrise.

(3) Screening shall be located on private property and not on any part of the highway right-of-way.

(4) At no time after the screen is established shall junk be stacked or placed high enough to be visible above the screen nor shall junk be placed outside of the screened area.

(5) 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. (1990 Code, § 8-504, modified, as renumbered by Ord. #2008-60, Jan. 2009)

13-305. Maintenance of screens. The owner or operator of the junkyard shall be responsible for maintaining the screen in good repair to insure the continuous concealment of the junkyard. Damaged or dilapidated screens, including dead or diseased plantings, which permit a view of the junk within shall render the junkyard visible and shall be in violation of this code and shall be replaced as required by the town.

If not replaced within sixty (60) days the town shall replace said screening and shall require payment upon demand. Failure to pay in full shall result in the fee plus interest to be assessed to the property and shall be combined with the subsequent taxation of the property by the town. (1990 Code, § 8-505, as renumbered by Ord. #2008-60, Jan. 2009)

13-306. Utilization of highway right-of-way. The utilization of highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition. (1990 Code, § 8-506, as renumbered by Ord. #2008-60, Jan. 2009)

13-307. Non-conforming junkyards. Those junkyards within the town and lawfully in existence prior to the enactment of this code, which do not conform with the provisions of the code shall be considered as "non-conforming." Such junkyards may be subject to the following conditions, any violation of which shall terminate the non-conforming status:

(1) The junkyard must continue to be lawfully maintained.

(2) There must be existing property rights in the junk or junkyard.

(3) Abandoned junkyards shall no longer be lawful.

(4) The location of the junkyard may not be changed for any reason. If the location is changed, the junkyard shall be treated as a new establishment at a new location and shall conform to the laws of the town.

(5) The junkyard may not be extended or enlarged. (1990 Code, § 8-507, as renumbered by Ord. #2008-60, Jan. 2009)

13-308. Permits and fees. It shall be unlawful for any junkyard located within the town to operate without a "Junkyard Control Permit" issued by the town.

(1) Permits shall be valid for the fiscal year for which issued and shall be subject to renewal each year. The town's fiscal year begins on July 1 and ends on June 30 the year next following.

(2) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars ($50.00) which is not subject to either proration or refund.

(3) All applications for an original or renewal permit shall be made on a form prescribed by the town.

(4) Permits shall be issued only to those junkyards that are in compliance with these rules.

(5) A permit is valid only while held by the permittee and for the location for which it is issued. (1990 Code, § 8-508, as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 4

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES[1]

SECTION

13-401. Definitions.
13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited: and declared nuisance: exceptions.
13-403. Notice to remove.
13-404. Responsibility for removal.
13-405. Hearing.
13-406. Removal of motor vehicle from property.
13-407. Notice of removal.
13-408. Disposition of vehicles.
13-409. Storage of vehicles.
13-410. Redemption of impounded vehicle.
13-411. Penalty.
13-412. [Deleted.]
13-413. [Deleted.]
13-414. [Deleted.]

13-401. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the Town of Pegram.

(2) "Mayor" is the Mayor of the Town of Pegram.

(3) "Motor vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motorscooters, trucks, tractors, riding lawn movers, go-carts, golf carts, campers and trailers.

(4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-401(3), which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled,

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[1]Municipal code reference

Motor vehicles and traffic: title 15.

State law reference

Tennessee Code Annotated, § 55-16-101, et seq.

inoperative, abandoned or discarded, or constitutes a public nuisance and/or affecting the health and safety of the community as a whole.

(5) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(6) "Private property" shall mean any real property within the town which is privately owned and which is not public property as defined in this subsection.

(7) "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

(8) Failure to have lawfully affixed thereto an unexpired license plate as required in the State of Tennessee shall constitute a rebuttable presumption of a junked motor vehicle. (1990 Code, § 8-601, modified, as renumbered by Ord. #2008-60, Jan. 2009)

13-402. Storing, parking or leaving dismantled or other such motor vehicle prohibited: and declared nuisance: exceptions. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes operable and licensed. (1990 Code, § 8-602, as renumbered by Ord. #2008-60, Jan. 2009)

13-403. Notice to remove. (1) Prior to commencing the hearing procedure set out in this chapter, notices shall be provided to the owner or resident of the property upon which the said vehicle is located stating that the condition of the vehicle has caused a violation of this chapter and that unless this violation is corrected within twenty-four (24) hours, procedures will commence to effect the removal of the vehicle and all costs associated with said removal, as well as attorney fees and court costs if applicable, will be levied against the owner or occupant of the property. Such twenty-four (24) hour notice or one similar thereto shall also be provided to the vehicle owner and any lien holders to the extent that their name(s) and address(es) may be reasonably

ascertained after the town has first been apprised of such violation. If in the opinion of the fire chief, health officer, mayor or their designees, that an emergency exists, the vehicle may be removed immediately.

(2) If the twenty-four (24) hour preliminary notice does not accomplish the correction of the violation, the procedure hereinafter set out shall be invoked. A second notice shall be directed to the owner of the vehicle and any lien holders, if known, and the owner of the premises where same is located at least five (5) days before the time for compliance therewith. It shall constitute sufficient notice if a copy of same is posted in a conspicuous place upon the premises affected and a copy is mailed to such owner(s) and lien holder(s) at their last known address, place of residence or place of business. (1990 Code, § 8-603, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-404. Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the town, the owner or occupant of the private property where same is located, shall be liable for the expenses incurred. (1990 Code, § 8-604, as renumbered by Ord. #2008-60, Jan. 2009)

13-405. Hearing. Within five (5) days after the mailing or other service of said notice, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for a hearing before the Municipal Judge of the Town of Pegram, or its designee, for the purpose of defending the town's charges. Persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof, and the town and person(s) to whom the notice(s) have been directed may introduce such witnesses and evidence as either party deems necessary. (1990 Code, § 8-605, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-406. Removal of motor vehicle from property. If the violation described in the notice has not been remedied within five (5) days of the mailing or service of the second notice, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the municipal judge, the mayor or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow the town designee to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter. (1990 Code, § 8-606, as replaced and renumbered by Ord. #2008-60, Jan. 2009)

13-407. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the mayor shall give notice to the registered owner of the

vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this chapter. The notice shall give the location of where the vehicle or vehicles, is stored, and the costs incurred by the town for removal. (1990 Code, § 8-610, as renumbered by Ord. #2008-60, Jan. 2009)

13-408. Disposition of vehicles. Upon removing a vehicle, the mayor shall sell the abandoned motor vehicle at a public auction on or after ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the mayor and upon presentation of such sales receipt shall be entitled to receive a certificate of title from the Department of Revenue for the State of Tennessee. The proceeds of the sale of an abandoned motor vehicle shall be used for payment of the expenses of the auction, the cost of towing, preserving, and storing the abandoned motor vehicle, and all notice and publication costs, together with any other costs associated with the process. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or any entitled lienholder for period of sixty (60) days and if not claimed, then shall be deposited in the general fund of the town. Should the sale of any vehicle for any reason be invalid, the town's liability shall be limited to the return of the purchase price. (1990 Code, § 8-611, as renumbered by Ord. #2008-60, Jan. 2009)

13-409. Storage of vehicles. The town, through its agents, employees and servants, may utilize municipal property for the storage of impounded vehicles, and in such event shall be entitled to storage costs not to exceed ten dollars ($10.00) per day, or a daily rate charged by a commercial storage facility, for enforcement as set forth herein. (as renumbered by Ord. #2008-60, Jan. 2009)

13-410. Redemption of impounded vehicle. The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town of Pegram of any and all expenses incurred by the Town of Pegram in connection with the enforcement of this chapter as determined by the mayor or his designee. (1990 Code, § 8-612, as renumbered by Ord. #2008-60, Jan. 2009)

13-411. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to punishment in accordance with the general penalty provisions of this code of ordinances. Each act in violation of the provisions hereof and/or each day that an act is allowed to continue in violation of the provisions hereof is deemed a

separate offense and an additional violation. Any fine imposed as a result hereof is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. (1990 Code, § 8-613, modified, as amended and renumbered by Ord. #2008-60, Jan. 2009)

13-412. [Deleted.] (1990 Code, § 8-607, as deleted by Ord. #2008-60, Jan. 2009)

13-413. [Deleted.] (1990 Code, § 8-608, as deleted by Ord. #2008-60, Jan. 2009)

13-414. [Deleted.] (1990 Code, § 8-609, as deleted by Ord. #2008-60, Jan. 2009)

CHAPTER 5

SLUM CLEARANCE

SECTION

13-501. Findings of board.
13-502. Definitions.
13-503. "Public officer" designated; powers.
13-504. Initiation of proceedings; hearings.
13-505. Orders to owners of unfit structures.
13-506. When public officer may repair, etc.
13-507. When public officer may remove or demolish.
13-508. Lien for expenses; sale of salvage materials; other powers not limited.
13-509. Basis for a finding of unfitness.
13-510. Service of complaints or orders.
13-511. Enjoining enforcement of orders.
13-512. Additional powers of public officer.
13-513. Powers conferred are supplemental.
13-514. Structures unfit for human habitation deemed unlawful.

13-501. 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 town 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 town. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-502. 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. "Municipality" shall mean the Town of Pegram, Tennessee, and the areas encompassed within existing town limits or as hereafter annexed.

3. "Governing body" shall mean the board of mayor and aldermen charged with governing the town.

4. "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.

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

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

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

8. "Structures" shall mean any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-503. "Public officer" designated; powers. There is hereby designated and appointed a "public officer," to be the building inspector of the town, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-504. 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 town charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-505. 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 findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order.

1. If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent [50%] of the reasonable value), requiring the owner, during the time specified in the order, to repair, alter, or improve such structure to render

it fit for human occupancy or use or 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-506. 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 occupancy or use; the use or occupation of this building for human occupancy or use is prohibited and unlawful." (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-507. 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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-508. Lien for expenses; sale of salvaged materials; other powers not limited. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the register of deeds of Cheatham County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one action for debt against more than one or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the

materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Cheatham County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Town of Pegram to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-509. 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 Town of Pegram; 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; and uncleanliness. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-510. 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 registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the town. In addition, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Cheatham County Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-511. Enjoining enforcement of orders. Any person affected by an order issued by the public officer served pursuant to this chapter may file a suit in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the

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

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. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-512. 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 town in order to determine which structures therein are unfit for human occupation or use;
2. To administer oaths, affirmations, examine witnesses and receive evidence;
3. To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
5. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-513. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the town with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #1997-1, March 1997, as renumbered by Ord. #2008-60, Jan. 2009)

13-514. 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 town 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 town. (Ord. #1997-1, March 1997, modified, as renumbered by Ord. #2008-60, Jan. 2009)

CHAPTER 6

PENALTIES

SECTION

13-601. Penalties.

13-601. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars ($50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature. (as renumbered by Ord. #2008-60, Jan. 2009)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER
1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. UNIFORM PROPERTY NUMBERING.
4. STORMWATER MANAGEMENT.
5. MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION
14-101. Creation and membership.
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as "the planning commission."

The planning commission shall consist of seven (7) members: one (1) member shall be the mayor or a person designated by the mayor, one (1) member shall be from the board of aldermen, as selected by the board, and the remaining five (5) members shall be residents of the Town of Pegram, Tennessee, as appointed by the mayor. The planning commission shall elect its chairman from among those members appointed by the mayor. The term of chairman shall be one (1) year from the date of election, with eligibility for re-election.

All members of the planning commission shall serve without compensation.

The term of the mayor and the term of the member selected from the board of aldermen shall run concurrently with their respective terms of office.

The terms of the members appointed to the planning commission by the mayor shall be for a period of five (5) years, and the term of one (1) appointed member shall expire each year. Upon adoption of the ordinance comprising this chapter, the terms of the existing members of the planning commission shall be extended, as designated by the mayor, as necessary to cause a term to expire each year. Thereafter, and upon the expiration of any initial term created by virtue of this chapter, the successive appointed member, and all those thereafter, shall serve on the planning commission for a period of five (5) years, as set out herein.

The mayor shall appoint a new member to fill any vacancy in the appointed membership for the unexpired term, and the newly appointed commissioner shall complete the unexpired term until such time as it would regularly expire.

The mayor shall have the authority to remove any appointed member at the mayor's pleasure. (1990 Code, § 11-101, as replaced by Ord. #2003-05, Oct. 2003)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1990 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Pegram shall be governed by Ordinance #1986-5, titled "Zoning Ordinance, Pegram, Tennessee," and any amendments thereto.[1] (1990 Code, § 11-201)

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[1]Ordinance #1986-5, 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.

CHAPTER 3

UNIFORM PROPERTY NUMBERING

SECTION

14-301. Designation of street numbers.
14-302. Posting of designated street address.
14-303. New structures.
14-304. Penalties.

14-301. Designation of street numbers. Incorporation by reference is hereby made to that certain property numbering map entitled "Property Numbering Map dated 3-21-88, Pegram, Tennessee," and the same is hereby adopted as the official property numbering map of the Town of Pegram, Tennessee; and all property numbers assigned shall be assigned in accordance with said map, and no other property numbers shall be used or displayed in the Town of Pegram, except numbers assigned in accordance with said map. The property numbering map which is a part of this chapter shall be kept on file in the office of the building inspector. It shall be the responsibility of the recorder and building inspector to keep a record of all numbers assigned under this section. (1990 Code, § 11-301)

14-302. Posting of designated street address. (1) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the recorder or building inspector or other designated town official of the number assigned.

(2) Within sixty (60) days after the receipt of written notification of the recorder or building inspector or other designated town official, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the same in a conspicuous manner in a conspicuous place.

(3) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the town.

(4) Each principal building shall display the number assigned to the frontage on which the entrance is located. In case a principal dwelling is occupied by more than one business or family dwelling unit, each separate front entrance may display a separate number.

(5) Numerals indicating the official numbers for each principal building or front entrance to such buildings shall be posted in a manner as to be legible and distinguishable from the street on which the property is located. (1990 Code, § 11-302)

14-303. New structures. (1) All residents and business buildings erected shall be assigned a number in accordance with the property numbering map and shall purchase and display such number as provided in this chapter.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the building inspector or from the recorder the official number of the premises. Final approval for a certificate of occupancy of any principal building erected or repaired after the effective date of this ordinance shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements above. (1990 Code, § 11-303)

14-304. Penalties. In the event the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or building, or building entrance or elsewhere, which may be confused with the number assigned thereto, that person shall be punished by a fine not to exceed fifty dollars ($50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature. (1990 Code, § 11-304, modified)

CHAPTER 4

STORMWATER MANAGEMENT

SECTION

14-401. Stormwater management manual.

14-401. Stormwater management manual. Stormwater management within the Town of Pegram shall be governed by Ordinance #1998-10, titled "Town of Pegram Stormwater Management Manual."[1]

[1]Ordinance #1998-10, known as the Stormwater Management Manual, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

CHAPTER 5

MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-501. Statutory authorization, findings of fact, purpose and objectives.
14-502. Definitions.
14-503. General provisions.
14-504. Administration.
14-505. Provisions for flood hazard reduction.
14-506. Variance procedures.
14-507. Legal status provisions.

14-501. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 and 13-7-201 Tennessee Code Annotated, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Pegram, Tennessee Board of Mayor and Aldermen, do ordain as follows:

(2) Findings of fact. (a) The Town of Pegram, Tennessee, Mayor and its board of aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the Town of Pegram, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This chapter is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a flood prone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-502. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of flood waters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

(3) "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this chapter or a request for a variance.

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

(6) "Area of special flood hazard," see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

(9) "Building." See "structure."

(10) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(14) "Exception" means a waiver from the provisions of this chapter which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this chapter.

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures," see "existing construction."

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding."

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters.

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some

similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

(22) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of certain special flood hazard areas have been designated as Zone A.

(23) "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flood" or "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(28) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

(29) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as

a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

(32) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Pegram, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(42) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(44) "National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities

for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(47) "North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "100-year flood," see "base flood."

(49) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(53) "Regulatory flood protection elevation" means the "base flood elevation," plus the "freeboard." In "special flood hazard areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1'). In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special flood hazard area" means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(56) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" means the Tennessee Emergency Management Agency, State NFIP Office, as designated by the governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure," for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(60) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(c) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(d) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(62) "Substantially improved existing manufactured home parks or subdivisions" means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(63) "Variance" is a grant of relief from the requirements of this chapter.

(64) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-503. General provisions. (1) Application. This chapter applies to all areas within the incorporated area of the Town of Pegram, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Pegram, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47021C0239E, 47021C0302E, 47021C0304E, 47021C0306E, and 47021C0308E, dated December 22, 2016, and 47021C0245E dated February 26, 2021 along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit is required in conformity with this chapter prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Pegram, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Pegram, Tennessee, from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2010-82, June 2010, and amended by Ord. #2016-114, Oct. 2016, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-504. Administration. (1) Designation of administrator. The building inspector or the building inspector's designee is hereby appointed as the administrator to implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-505(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(v) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

(vi) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

(A) An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators

(B) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

(C) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

(D) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and

electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) Finished construction stage. For all new construction and substantial improvements, the permit holder shall provide to the administrator a final finished construction elevation certificate (FEMA Form 086-0-33). A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

(3) Duties and responsibilities of the administrator. Duties of the administrator include, but are not limited to, the following:

(a) Review all development permits to assure that the permit requirements of this chapter have been satisfied, and that proposed building sites are reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-504(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-504(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-504(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Town of Pegram, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter are

maintained in a separate file or marked for expedited retrieval within combined files.

(l) A final finished construction elevation certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in § 14-504(1). To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches (3" x 3"). Digital photographs are acceptable. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-505. <u>Provisions for flood hazard reduction</u>. (1) <u>General standards</u>. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this chapter shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-505(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-505(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall

have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-504(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of flood waters and all such partitions shall comply with the provisions of § 14-505(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet

(3') in height above the highest adjacent grade (as defined in § 14-502).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-505(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-505(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-503(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without

increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted, however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) Only if § 14-505(3), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-505(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-503(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(b) A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) Only if § 14-505(2), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-505(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-503(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-505(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-504(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-505(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Pegram, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2). Within approximate A Zones, require that those subsections of § 14-505(2), dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (Zone AO). Located within the special flood hazard areas established in § 14-503(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 14-505(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in § 14-505(6)(a) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with § 14-505(2)(a)(iii) and § 14-505(2)(b).

(c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(7) Standards for areas of shallow flooding (Zone AH). Located within the special flood hazard areas established in § 14-503(2), are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1' - 3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 14-505(1) and (2), all new construction and substantial improvements shall meet the following requirements: Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(8) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-503(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of § 14-504 and § 14-505 shall apply.

(9) Standards for unmapped streams. Located within the Town of Pegram, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development, including structures, shall be located within an area of at

least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-504 and 14-505. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-506. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The Town of Pegram, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the board of aldermen.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars ($100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Pegram, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood

waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-506(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

14-507. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Pegram, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Effective date. This chapter shall become effective from and after the fifteenth day after its passage, in accordance with the Charter of the Town of Pegram, Tennessee, and the public welfare demanding it. (as added by Ord. #2010-82, June 2010, and replaced by Ord. #20-140, Jan. 2021 ***Ch3_12-05-22***)

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. PENALTIES.

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.

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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, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

15-112. School safety patrols.
15-113. Driving through funerals or other processions.
15-114. Clinging to vehicles in motion.
15-115. Riding on outside of vehicles.
15-116. Backing vehicles.
15-117. Projections from the rear of vehicles.
15-118. Causing unnecessary noise.
15-119. Vehicles and operators to be licensed.
15-120. Passing.
15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
15-122. Delivery of vehicle to licensed driver, etc.
15-123. Gross vehicle weight.
15-124. Vehicle size and weight restrictions.

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. (1990 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. (1990 Code, § 9-102)

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. (1990 Code, § 9-103)

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. (1990 Code, § 9-105)

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 town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1990 Code, § 9-106)

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. (1990 Code, § 9-107)

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. (1990 Code, § 9-108)

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 town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1990 Code, § 9-109)

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. This manual appears in the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq. (1990 Code, § 9-110, 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.

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. (1990 Code, § 9-111)

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 town authority. (1990 Code, § 9-112)

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. (1990 Code, § 9-113)

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. (1990 Code, § 9-114)

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. (1990 Code, § 9-115)

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. (1990 Code, § 9-116)

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. (1990 Code, § 9-117)

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. (1990 Code, § 9-118)

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. (1990 Code, § 9-119)

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." (1990 Code, § 9-120)

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. (1990 Code, § 9-121)

15-121. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc. (1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

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

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

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

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

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

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

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the

purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1990 Code, § 9-122)

15-122. Delivery of vehicle to unlicensed driver, etc. (1)Definitions.

(a) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(b) "Adult" shall mean any person eighteen years of age or older.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(e) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(2) It shall be unlawful for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Pegram unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town. (1990 Code, § 9-123)

15-123. Gross vehicle weight limits. It shall be unlawful for any person to operate a vehicle upon any residential street except U.S. Highway 70 and Highway 249, which is in excess of twenty thousand (20,000) pounds gross vehicle weight. This shall be construed as to allow the delivery of goods and merchandise and other wares to residences and businesses by vehicles that

exceed twenty thousand (20,000) pounds gross vehicle weight, but for no other purpose than delivery; no hauling. (1990 Code, § 9-124, modified)

15-124. Vehicle size and weight restrictions. 1. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

2. Heavy truck traffic prohibited on certain streets. a. For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 20,000 pounds.

b. The following categories are exempt from the prohibition of this section:

i. The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town.

ii. The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town.

iii. The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

iv. The operation of emergency vehicles upon any street in the town.

3. Penalty. Any violation of this section shall be punishable by fine not to exceed fifty dollars ($50), or up to the maximum amount which the legislature of the State of Tennessee may hereafter establish. (Ord. #1997-5, Jan. 1998, modified)

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. (1990 Code, § 9-201)

15-202. Operation of authorized emergency vehicles.[1] (1) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1990 Code, § 9-202)

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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 traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1990 Code, § 9-203)

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. (1990 Code, § 9-204)

CHAPTER 3

SPEED LIMITS

SECTION

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

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. The board of mayor and aldermen may by resolution set speed limits for specific streets, roads and highways within the corporate limits of the Town of Pegram and cause speed limits to be posted on respective roadways. (1990 Code, § 9-301)

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. (1990 Code, § 9-302)

15-303. In school zones. Pursuant to Tennessee Code Annotated, § 55-8-152, the town shall have the authority to enact special speed limits in school zones.[1] Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are

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[1]There is established a maximum speed limit of fifteen (15) miles per hour school zone on Dogwood Lane and Juniper Drive and all other provisions shall remain in full force and effect.

There is established a maximum speed limit of twenty-five (25) miles per hour school speed zone for the Pegram Elementary School, Highway 70 area only.

actually going to or leaving school, shall be prima facie guilty of reckless driving. A penalty shall be prima facie guilty of reckless driving for each violation of this section and enforced by the Sheriff of Cheatham County, deputy sheriffs or other police officers witnessing the offense. (1990 Code, § 9-303, as amended by Ord. #2006-41, Jan. 2007)

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] (1990 Code, § 9-401)

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. (1990 Code, § 9-402)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1990 Code, § 9-403)

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. (1990 Code, § 9-404)

15-405. U-turns. U-turns are prohibited. (1990 Code, § 9-405)

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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 railroad crossings.
15-505. At "stop" signs.
15-506. At "yield" signs.
15-507. At traffic-control signals generally.
15-508. At flashing traffic-control signals.
15-509. At pedestrian control signals.
15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.[1] Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. (1990 Code, § 9-501)

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. (1990 Code, § 9-502)

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. (1990 Code, § 9-503)

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

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

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1990 Code, § 9-504)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1990 Code, § 9-505)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1990 Code, § 9-506)

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

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

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

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

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the town, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the town at intersections which the town decides require no right turns on red in the interest of traffic safety.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1990 Code, § 9-507)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town it shall require obedience by vehicular traffic as follows:

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

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1990 Code, § 9-508)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the town, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1990 Code, § 9-509)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,[1] except in an emergency. (1990 Code, § 9-510)

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[1]State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Parking in designated fire lane prohibited.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Parking railroad cars and blocking crossings prohibited.
15-607. 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 town 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 town 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. (1990 Code, § 9-601)

15-602. Parking in designated fire lane prohibited. It shall be unlawful for any person to park a motor vehicle within a designated area posted as a fire lane. No person shall be allowed to load or unload motor vehicle within a designated fire lane. The board of mayor and aldermen shall designate such fire lanes within the corporate limits as they deem necessary to protect the safety of the Town of Pegram. Whenever a motor vehicle is found parked or stopped in violation of this section, a duly authorized law enforcement officer vested with the authority to enforce the ordinances of the Town of Pegram shall issue a citation for the driver and/or owner to answer the violation within thirty (30) days during the hours and at the place specified in the citation. For illegal parking within a designated fire lane the offender may have the charge against

him disposed of by paying to the recorder a fine of fifty dollars ($50.00), provided he waives his right to a judicial hearing. If, after a hearing is made before the municipal judge for the Town of Pegram and the offender is found to be in violation of this section, the fine imposed shall be fifty dollars ($50.00) and court costs thereon. Law enforcement officers charged with responsibility of enforcing the ordinances of the Town of Pegram, when reasonable necessary for safety and security, may remove from the streets and impound any vehicle which is so parked so as to constitute a hazard for the movement of fire equipment. 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 shall be twenty-five dollars ($25.00) and the storage cost shall be five dollars ($5.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1990 Code, § 9-606)

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. (1990 Code, § 9-602)

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

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic.

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

(3) Within an intersection;

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

(5) Within a pedestrian crosswalk.

(6) Within twenty (20) feet of a railroad crossing at an intersection;

(7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(8) Within fifty feet (50') of the nearest rail of a railroad crossing;

(9) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of such entrance when properly signposted;

(10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

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

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, § 55-8-160(c). (1990 Code, § 9-603)

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 town as a loading and unloading zone. (1990 Code, § 9-604)

15-606. Parking railroad cars and blocking crossings prohibited. It shall be unlawful to park any railroad car in the Town of Pegram within one hundred fifty (150) feet of a crossing, or to block any crossing in the Town of Pegram for a period of more than fifteen (15) minutes. (1990 Code, § 9-607)

15-607. 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. (1990 Code, § 9-605)

CHAPTER 7

ENFORCEMENT[1]

SECTION

15-701. Issuance of traffic citations.
15-702. Failure to obey citation.
15-703. Illegal parking.
15-704. Impoundment of vehicles.
15-705. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations.[2] When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1990 Code, § 9-701)

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. (1990 Code, § 9-702)

15-703. Illegal parking.[3] 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

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[1]Municipal code reference
Disposal of abandoned, wrecked, junked or inoperative vehicles: title 13, chapter 3.

[2]Municipal code reference
Citations in lieu of arrest in non-traffic related cases: § 6-103.
Summons in lieu of arrest: § 6-105.

[3]Municipal code reference
Parking in a fire lane: § 15-602.

to answer for the violation within ten (10) days during the hours and at a place specified in the citation.

If the offense is a parking meter parking violation, the offender may, within thirty (30) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar ($1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after thirty (30) days, but before a warrant for his arrest is issued, his fine shall be three dollars ($3.00). For other parking violations the offender may similarly waive his right to a judicial hearing and have the charges disposed of out of court, but the fines shall be three dollars ($3.00) within thirty (30) days and five dollars ($5.00) thereafter, except for the violation of parking in a handicapped parking space under § 15-604(13) of this code, for which the offender may be punished according to the general penalty provisions of this code of ordinances. (1990 Code, § 9-703)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any space, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1990 Code, § 9-704)

15-705. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. The officer, or the court demanding bail, who receives any person chauffeur's or operator's license as herein provided, shall issue to said person a receipt for said license upon a form approved or provided by the Tennessee Department of Safety.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the town court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with provisions of Tennessee Code Annotated, § 55-7-401et seq. (1990 Code, § 9-705)

CHAPTER 8

PENALTIES

SECTION

15-801. Penalties.

15-801. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars ($50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. RIGHT OF WAY ENCROACHMENT REGULATION.
4. PENALTIES.

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, etc., regulated.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Driveway culverts required.

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. (1990 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1990 Code, § 12-102)

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[1]Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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 driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1990 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1990 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1990 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1990 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1990 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1990 Code, § 12-108)

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. (1990 Code, § 12-109)

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

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (1990 Code, § 12-110)

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1990 Code, § 12-112)

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. (1990 Code, § 12-113)

16-113. Driveway culverts required. All driveways connecting with a street or roadway within the corporate limits shall be constructed with a minimum fifteen (15) inch drainage pipe under said driveway at its connection to said street or roadway unless deemed unnecessary and exempted by the building inspector. Such exemption shall be recorded with the town's city recorder. (1990 Code, § 12-114, modified)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Safety restrictions on excavations.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 town recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1990 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the town 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 to the work to be done. Such application shall be rejected or

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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).

approved by the recorder within twenty-four (24) hours of its filing. (1990 Code, § 12-202)

16-203. Fee. The fee for such permits shall be twenty dollars ($20.00). (1990 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars ($500.00) if no pavement is involved or one thousand dollars ($1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1990 Code, § 12-204)

16-205. Safety restrictions on excavations. 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. (1990 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town 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 town 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 town, 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. (1990 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $130,000 for each person and $350,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate. (1990 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town 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 town recorder. (1990 Code, § 12-208)

16-209. Supervision. The person designated by the board of mayor and aldermen 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 town 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. (1990 Code, § 12-209)

CHAPTER 3

RIGHT OF WAY ENCROACHMENT REGULATION

SECTION

16-301. Right of way encroachment regulations.

16-301. Right of way encroachment regulations. 1. No part of the street right-of-way should be used for servicing vehicles, displays or for conducting private business. All right-of-ways shall be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway only where specifically permitted, as posted by the town.

Each roadside business establishment shall provide parking and storage space off the right-of-way so as not to impede the use of a business driveway or hinder traffic upon a thoroughfare.

For business establishments at a corner street intersection, parking shall be restricted on each street between the intersection and nearest driveway.

2. Violators of subsection (1) above shall be subject to a fine of not less than ten dollars ($10.00), nor more than fifty dollars ($50.00) in the municipal court of the town or as prescribed by a court of legal jurisdiction for the Town of Pegram.

3. All driveways shall be constructed in a manner which will not impair drainage within the street right-of-way, nor alter the stability of the roadway subgrade. Further, driveways constructed shall neither impair nor materially alter the drainage of adjacent areas. All culverts, catch basins, drainage channels and other drainage structures required within the right-of-way and under driveways as a result of any property being developed within the town shall be installed in accordance with the standard cited within the subdivision regulations of the Town of Pegram, which are hereby incorporated by reference and in accordance with the town's zoning ordinance. All driveway culverts shall be a minimum diameter of 15 inches and a minimum length of 13 feet.

4. No advertising structures, advertising signs or advertisements or sign of any nature whatsoever, except public signs erected by government agencies or utilities, shall be located within the street right-of-way limits and shall in all cases comply within the regulations cited in § 4.080 of the town's zoning ordinance. Violators of this subsection shall be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) in the municipal court of the town or as prescribed by a court of legal jurisdiction for the Town of Pegram.

5. Any driveway installed along a city street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. Where a driveway is provided to a commercial establishment, the right-of-way and

adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of drivers desiring to enter the establishment. The profile of a driveway and the grading of the right-of-way shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

All improvements on property adjacent to street right-of-way shall have a sufficient setback so that parking, stopping and maneuvering on the right-of-way will be avoided by those patrons in vehicles entering business establishments.

Driveways for vehicles entering or leaving a residential development or establishment shall not interfere with the free movement of traffic or create a hazard upon a public street. Where feasible, driveways shall be located where there are not sharp curves, steep grades and where sight distances are adequate for safe traffic operations. Driveways shall not be located within intersections, rotaries and interchanges, or on streets immediately approaching such. Driveways shall also be located in such a manner that there will be no interference with the placement of signs, signals or other devices affecting traffic operation.

6. The arrangement and alignment of driveways must be in such a manner that will complement the highway alignment, street profile and sight distance conditions. From the point where any driveway abuts the pavement of any street or highway, the slope of that driveway shall under no circumstance exceed a ten (10) percent grade for the first eighteen (18) feet of said driveway's point of abutment with the pavement of the street or highway in question. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage abutting private property, and shall comply with the minimum access control requirements cited in § 3.090 of the Pegram Zoning Ordinance. The number of driveways provided shall be the minimum number required to serve the needs of the adjacent property. Frontages of 100 feet or less shall be limited to one driveway. No more than two (2) driveways will be provided to any single property tract or business establishment.

7. Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way lines shall not be less than 25 feet.

At an intersection of two streets, a driveway connecting each street with a corner property will be permitted, where essential, to conduct business on a corner tract, provided such driveways comply with the minimum access control requirements cited in § 3.090 of the Pegram Zoning Ordinance. Where the capacity of the street or streets is high, the driveway(s) should be located as far away from the intersection as possible.

8. Whenever possible, all driveways shall be positioned at right angles to the public roadway.

9. Before construction of a driveway commences off a city street, the applicant must first furnish to the building inspector a written request to construct a driveway and thereafter, furnish a graphic dimensional sketch illustrating the location of the applicant's property, a plot plan or simple layout of the applicant's property, especially as it relates to the proposed access design, and the proposed land usage of the applicant's property. Thereafter, it shall be the building inspector's responsibility to grant and issue a permit to the applicant so long as the same is in compliance with this chapter. The building inspector, may in his discretion, refer the applicant's request to the Pegram Planning Commission for review prior to construction.

10. All future driveway connections shall be subject to the installation of approved headwalls upon driveway culverts which shall connect to public street or roadway. The required headwall installation shall be as is set forth in the subdivision regulations of the Town of Pegram, Tennessee, as amended, and its appendixes and exhibits thereto, to which reference is hereby made, and as fully set forth herein. (Ord. #1992-6, Sept. 1992, as amended by Ord. #1995-2, May 1995, modified)

CHAPTER 4

PENALTIES

SECTION

16-401. Penalties.

16-401. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars ($50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.
2. PENALTIES.

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. (1990 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the town 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. (1990 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this town 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 solid waste collector handles mechanically. Furthermore, except for containers which the

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

town handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Tree trimmings, hedge clippings, and similar materials shall be cut to a length not to exceed four (4) feet and shall be securely tied in individual bundles weighing not more than seventy-five (75) pounds each and being not more than two (2) feet thick before being deposited for collection. (1990 Code, § 8-203)

17-104. Location of containers. Where alleys are used by the 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 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 refuse collector 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. (1990 Code, § 8-204)

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. (1990 Code, § 8-205)

17-106. Collection. It shall be the responsibility of each citizen of the Town of Pegram to assure that all of their refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of in a legal manner by individually hiring a refuse collector. (1990 Code, § 8-206)

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. (1990 Code, § 8-207)

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 board of mayor and aldermen is expressly prohibited. (1990 Code, § 8-208)

CHAPTER 2

PENALTIES

SECTION

17-201. Penalties.

17-201. Penalties. Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars ($50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.

TITLE 18

WATER AND SEWERS[1]

CHAPTER
1. WASTEWATER SYSTEM DESIGN STANDARDS.
2. SEWER USE.
3. USER RATES, CHARGES AND FEES; BILLING.
4. SEPTIC TANK CONSTRUCTION SPECIFICATIONS.

CHAPTER 1

WASTEWATER SYSTEM DESIGN STANDARDS

SECTION
18-101. Design standards.
18-102. [Deleted.]
18-103. [Deleted.]
18-104. [Deleted.]
18-105. [Deleted.]
18-106. [Deleted.]
18-107. [Deleted.]
18-108. [Deleted.]

18-101. Design standards. All improvements, additions, expansions, and/or alterations pertaining to the wastewater system within the Town of Pegram, Tennessee shall be conducted pursuant to the guidelines, standards and/or requirements set forth in the POTW Design Standards Manual[2] (hereinafter referred to as "the manual"). The manual will be adopted by the board of mayor and aldermen by resolution and updated from time to time, as necessary, but in no event reviewed less than every two (2) years from the last edition adopted. The manual shall set forth all design and construction standards and will be used in conjunction with all local zoning and subdivision regulations, TDEC requirements, and all other applicable state and local laws and/or regulations. References made to specifications and/or standards shall mean the most recently adopted version of the manual. In the event of conflict

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

[2]The POTW Design Standards Manual (and amendments) is available in the recorder's office.

between the various specifications and/or standards, the POTW Design Standards Manual shall take precedence. (Ord. #1997-2, April 1997, as replaced by Ord. #2006-35, April 2006)

18-102. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-103. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-104. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-105. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-106. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-107. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

18-108. [Deleted.] (Ord. #1997-2, April 1997, as deleted by Ord. #2006-35, April 2006)

CHAPTER 2

SEWER USE[1]

SECTION

18-201. General provisions.
18-202. Definitions.
18-203. Connection to POTW.
18-204. Wastewater disposal for residences outside the wastewater service area.
18-205. Outside the wastewater service area.
18-206. Regulation of holding tank waste disposal.
18-207. Applications for residential and commercial wastewater discharge and industrial wastewater discharge permits.
18-208. Industrial user monitoring, inspection reports, records access, and safety.
18-209. Enforcement and abatement.
18-210. Penalties and costs.
18-211. [Deleted.]

18-201. General provisions. (1) Purpose and policy. The general purpose of this set of rules and regulations, known commonly hereafter as "the sewer use ordinance," is to set forth and provide for the rightful and proper use or uses of the facilities of the Town of Pegram, Tennessee for the collection, treatment and disposal of wastewater effluent. To accomplish this purpose, all users of the facilities of the Town of Pegram, Tennessee for the collection and disposal or wastewater must comply with the rules and regulations presented hereinafter.

(2) Objectives. The objectives of this chapter are:

(a) To establish a uniform procedure in the levying of the service and improvement charges to maintain equity in the billing throughout the wastewater service area in order to provide for full and equitable distribution of the cost of the wastewater system;

(b) To prohibit the contribution of wastewater into the town Publicly Operated Treatment Works (hereafter "POTW") which may cause operational or maintenance difficulties or deteriorations in the sewers, force mains, pumping stations, sewage treatment plant and other structures appurtenant to the treatment and collection system;

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[1]Municipal code reference
Plumbing code: title 12, chapter 2.

(c) To establish control in the contribution of wastewater that requires greater treatment expenditures than are required for equal volumes of normal domestic waste;

(d) To establish a uniform procedure for design, installation, inspection, operation and maintenance of wastewater treatment and disposal systems, extensions of public wastewater systems, laterals and connections to sewer mains;

(e) To enable the Town of Pegram to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 C.F.R. part 403), and other applicable federal and state laws and regulations; and

(f) To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

Furthermore, these rules and regulations are a part of all residential, commercial, industrial and public contracts for receiving wastewater collection and treatment service from the Town of Pegram, Tennessee, and shall apply to all such service received from the town whether the service is based upon contract, agreement signed application or other mutual understanding.

In meeting these objectives, this chapter provides that all persons in the designated wastewater service area of the Town of Pegram must have adequate wastewater service either in the form of a connection to the municipal wastewater system or an appropriate private disposal system where and when permissible. The chapter also provides for the issuance of permits to residential and commercial users, for the regulation of wastewater discharge volume and characteristics, for monitoring and enforcement activities, for the assessment of fees and rates to ensure a full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater system, and for other activities provided for by the enforcement and administrative program established herein.

(3) Jurisdiction. This chapter shall apply to the Town of Pegram, Tennessee, and to persons outside the town who, by contract or agreement with the town, are users of the POTW. Except as otherwise provided herein, the superintendent of the wastewater system, in conjunction with the town codes enforcer or his designated representative of the Town of Pegram, Tennessee, shall administer, implement, and enforce the provisions of this chapter. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-202. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 133 U.S.C. 1251, et seq.

(2) "Application for discharge." All forms prescribed by the town to be submitted by a potential user requesting permission to discharge into the POTW.

(3) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either pre-cast or cast in place, constructed according to plans approved by the state health officer and/or by the superintendent of the wastewater system. In the case of approval granted by the state health officer, such written approval must be presented to the superintendent of the wastewater system for retention at town hall.

(5) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) The chief manager or presiding officer/president, if the industrial user is a limited liability company; or

(d) 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.

(6) "Base charge." A monthly charge to recover the investment made by the town to provide the benefit of wastewater service. This charge is independent from the monthly usage resulting from discharge to the POTW.

(7) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter "mg/l").

(8) "Building sewer." A sewer line, wastewater forcemain or system that conveys wastewater from the premises of a user to the connection point with the POTW.

(9) "Class I user." Those users of the POTW whose non-industrial wastewater has an average biochemical oxygen demand of one hundred forty milligrams per liter (140 mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per liter (100 mg/l) by weight or less.

(10) "Class II user." Those users of the POTW whose non-industrial wastewater has an average biochemical oxygen demand that exceeds one hundred forty milligrams per liter concentration (140 mg/l) by weight and whose suspended solids discharge exceeds one hundred milligrams per liter concentration (100 mg/l).

(11) "Compatible pollutant." BOD, suspended solids, pH fecal coliform bacteria, and/or such additional pollutants as may now or may be in the future specified and allowed by state permit.

(12) "Cooling water." The water discharged from any use such as, but not limited to, air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(13) "Commercial user." All users of the wastewater system other than those owning and/or occupying residences.

(14) "Connection." Any physical tie or hookup made to the POTW.

(15) "Control authority." The "control authority" shall refer to the "approval authority" or the superintendent if the town has an approved pretreatment program under the provisions of 40 C.F.R. 403.11.

(16) "Customer." Any individual, partnership, corporation, association, or group who receives wastewater service from the town (see residential or commercial user).

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

(18) "Domestic wastewater." Wastewater that is generated by a residential or commercial user.

(19) "Environmental Protection Agency (EPA)." The United States Environmental Protection Agency or their duly authorized representative.

(20) "Forcemain." A pipe that conveys wastewater by means of pump or pressure or by any means other than gravity flow.

(21) "Garbage." Solid wastes produced by residential and/or commercial users.

(22) "Grab sample." A sample that is taken on a one (1) time basis.

(23) "Holding tank waste. Any waste contained in a vessel including, but not limited to, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(24) "Incompatible pollutant." A pollutant which is not a "compatible pollutant" as defined in this section.

(25) "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (133 U.S.C. 1317), into the POTW, including but not limited to holding tank waste discharged into the system.

(26) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (133 U.S.C. 1342).

(27) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trade, or business, as differentiated from domestic wastewater.

(28) "Inhibition." Any pollutant that might impair, effectively reduce, or terminate the biological process and/or biological operation of the POTW.

(29) "Interference." The inhibition or disruption of the POTW which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of wastewater sludge use or disposal by the POTW in accordance with section 405 of the Act (133 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA applicable to the method of disposal or use employed by the town.)

(30) "Inspection fee." A monthly fee assessed to defray the cost of inspecting the septic tanks, effluent pumps, and appurtenances associated with the POTW.

(31) "National categorical pretreatment standard ("pretreatment standard")." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of 133 U.S.C. 1347, which applies to a specific category of industrial users.

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

(33) "National Pollutant Discharge Elimination System (NPDES)." The program for issuing, conditioning, and denying of permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to section 402 of the Federal Water Pollution Control Act, as amended.

(34) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a categorical pretreatment standard, pursuant to section 307(c) 133 U.S.C. 1317, which will be applicable to such source if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after the proposal, "new source" refers to any source, the construction of which is commenced after the date of promulgation of the standard.

(35) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. The term shall be synonymous with residential or commercial user of the POTW.

(36) "pH." The logarithm (base 10) of the reciprocal or the concentration of hydrogen ions expressed in grams per liter of solution.

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

(38) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,

sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(39) "Pretreatment of POTW flows." The reduction of the amount 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 changes, or other means, except as prohibited by 40 C.F.R. section 40.36(d).

(40) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the tap fee shall accompany the said application.

(41) "Privilege fee." A fee imposed by the town on residential and commercial users to recover the cost of providing wastewater treatment facilities, treatment facility improvements, conveyance systems to provide service in existing service areas and new service areas, as well as the projected demand to the wastewater system.

(42) "Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of 133 U.S.C. 1292 which is owned in this instance by the Town of Pegram. This definition is intended to include the septic tank, effluent pump and appurtenances and any collection system that conveys wastewater to the POTW treatment plant(s), as well as the town POTW treatment plant(s). For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

(43) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(44) "Residence." A habitable building or structure occupied by a single family within the same deed recorded parcel and a duplex located in a residential district within the wastewater service area which is inhabited by the property owner in at least one (1) of the two (2) structural units (may also be referred to as "residential property owner").

(45) "Residential user." Users of the wastewater system who inhabit a residence.

(46) "Ready to serve charge." A charge assessed on a monthly basis against all existing residential property owners located within the wastewater service area who are not yet connected to the wastewater system (POTW).

(47) "Ready to serve customer." Existing residential property owner(s) located within the wastewater service area who is not yet connected to the wastewater system.

(48) "Septage." The settled solid matter that accumulates in a septic tank.

(49) "Septic tank." A watertight, horizontal, continuous flow, one (1) story sedimentation tank through which wastewater is allowed to flow slowly to permit suspended matter to settle to the bottom, where it is retained until anaerobic decomposition is established, resulting in the changing of some of the organic matter into liquid and gaseous substances and reduction in the quantity of sludge.

(50) "Septic tank effluent." The overflow of settled wastewater from a septic tank which has received primary treatment and has the biological characteristics of BOD of less than one hundred forty (140) mg/1 and Suspended Solids (SS) of less than one hundred (100) mg/1.

(51) "Septic Tank Effluent Pump (STEP)." Low flow electrical pump station located downstream of the septic tank that is used to lift septic tank effluent up to a gravity sewer or into a low pressure forcemain.

(52) "Septic tank system." The septic tank, effluent pump, and appurtenances thereto.

(53) "Sewer." A pipe or conduit for carrying wastewater, the manholes, and other physical systems that provide a path of wastewater to the POTW treatment plant.

(54) "Shall." Indicative of a mandatory intent; while "may" is permissive.

(55) "State." State of Tennessee.

(56) "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.

(57) "Stormwater." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(58) "Storm sewer or storm drain." A pipe or conduit which carries waters and drainage, excluding wastewater and industrial wastes.

(59) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids.

(60) "Superintendent." The person designated by the town to supervise the operation of the POTW.

(61) "Tap." The physical connection of the septic tank system to the POTW.

(62) "Tap fee." A charge assessed to recover the town's cost for the physical connection and inspection of the septic tank system and sewer line to the POTW.

(63) "Town." Town of Pegram, Tennessee or the Board of Mayor and Aldermen of the Town of Pegram, Tennessee; may also be referred to interchangeably as "city."

(64) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of C.W.A. section 307(a).

(65) "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW. User also shall mean any occupied property or premises having a connection to the wastewater system or having access thereto.

(66) "User rate." A monthly charge for wastewater discharge to the POTW based on water consumption.

(67) "Wastewater." The liquid waste(s) from residential dwellings, commercial buildings, industrial facilities, and/or institutions, whether treated or untreated.

(68) "Wastewater service." The collection, treatment and disposal of wastewater by the Town of Pegram.

(69) "Wastewater service area." That portion of the Town of Pegram for which wastewater service is available to provide benefit to those properties located therein, as depicted on the wastewater service area map on record with the town recorder.

(70) "Wastewater system." The POTW.

(71) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. #1998-6, Aug. 1998, as amended by Ord. #1999-3, Feb. 1999, and Ord. #2002-03, April 2002, modified, and replaced by Ord. #2006-35, April 2006)

18-203. Connection to POTW. (1) Requirements for proper wastewater disposal. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the wastewater service area of the Town of Pegram any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the wastewater service area of the Town of Pegram any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any facility intended or used for the primary disposal of wastewater, unless prior approval of the design, manufacture, and construction is granted by the Town of Pegram.

(d) All owners of residences in existence prior to and as of the effective date of this chapter who are located within the wastewater service area shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

(e) Any owner of a newly constructed residence located within the wastewater service area, completed on or after the effective date of this chapter, shall connect to the public sewer and become a user of the public sewer system.

(f) Any residence located outside the wastewater service area that experiences failure of its septic system, as determined by the town, which is within five hundred feet (500') from the owner's nearest property line to an existing sewer line shall connect to and become a user of the wastewater system and shall become automatically incorporated into the wastewater service area.

(g) Any property which is adjacent to or abuts a right-of-way(s), easement(s) or appropriate utility corridor(s) within which sewer is located, presently or by future expansion, shall become automatically incorporated into the wastewater service area. The owner(s) of any such property made a part of the wastewater service area in this manner shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

Costs assessed by the town associated with connection to the POTW, including, but not limited to, the applicable rates, fees and charges, are determined by resolution in effect on the date of actual connection, and costs are not determined as of the date the subject property is made a part of the wastewater service area.

(h) All owners of structures other than a residence in existence prior to and as of the effective date of this subsection (1),[1] which are located within the wastewater service area, shall pay all commercial user charges, fees and rates due as if they are connected to the POTW but are permitted to continue to dispose of wastewater effluent, in a manner compliant with title 18, through the previously approved private disposal system located on their property until ownership of such property is transferred, by any means, or until the existing septic system experiences failure, as determined by the town, whichever occurs first. All new

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[1]The only properties to which this exception applies are as follows: 586 Hwy 70, 596 Hwy 70, 456/458 Hwy 70, 436 Hwy 70, 566 Hwy 70, 604 Highway 70, 704 Hwy 70, 710 Hwy 70, 718 Hwy 70, 726 Hwy 70, 479 Thompson Rd, 474 Thompson Rd, 480 Thompson Rd, 482 Thompson Rd, 4425 Hannah Ford Rd, 4484 Hannah Ford Rd, 4548 Sunnyfield Dr and the "Pegram Community Club" located on Thompson Rd. All properties mentioned are located within the Town Limits of Pegram, Tennessee.

owners of structures other than a residence, which are located within the wastewater service area, shall connect to the wastewater system and become commercial users.

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

(j) All residential property owners located outside the wastewater service area shall comply with the provisions of § 18-204 of this chapter.

(2) Expansion of wastewater service area. (a) Sewer extensions and wastewater service permissive. In addition to the manner of expanding the wastewater service area as provided herein above at § 18-203(1), prospective users whose property is located outside the existing wastewater service area may make application to the town and request that sewer extension and wastewater service is provided to their property.

The authority to make sewer extensions and to provide wastewater service inside or outside the Town of Pegram is permissive only and nothing contained herein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. The town makes no guarantee to anyone as to supplying wastewater service, and it shall not be liable to anyone for any loss or failure or interruption of wastewater service or the condition of such service.

The town reserves the right to restrict, curtail or refuse wastewater service for good and sufficient reason(s).

(b) Fees and cost for voluntary prospective users.

(i) Application fee. Any person, business, or developer desiring wastewater service must make application with the town recorder on the prescribed form and pay a non-refundable application fee of one hundred dollars ($100.00).

(ii) All reasonable and necessary costs incurred by the town associated with the town engineer's investigation and evaluation of the feasibility of providing wastewater service to the applicant's property shall be passed along to and borne by the applicant. The superintendent and town engineer shall investigate the feasibility of providing service and, after conditional approval by the board of mayor and aldermen, report to the applicant in clear instructions regarding the town's requirements for providing service.

(iii) Further, all costs related to the approved physical extension of the sewer shall be borne by the applicant. The prospective user also shall obtain all necessary permits and pay all

associated permit fees in connection with the construction and placement of the infrastructure in an available right-of-way, and/or bear all costs associated with a right-of-way acquisition, as determined by the town, if a right-of-way is not readily available. No sewer extensions shall commence until such time as the applicant has made a deposit equal to the estimated cost(s) of the extension, as determined by the town.

(iv) When the town desires a sewer larger than that required for the applicant's needs, the town will be responsible for the difference between what is needed to serve the applicant and the desires of the town.

(v) All costs incurred in connection, and associated in any way, with dedication of the sewer line extension by a user, also identified herein as prospective user(s), to the Town of Pegram, shall be borne by the user, who shall indemnify and hold the town harmless for same, including, but not limited to, all recordation fees charged by Cheatham County and/or the State of Tennessee.

(vi) Upon final approval of the application, the applicant shall be deemed a user subject to the provisions of title 18.

(c) Dedication of physical extension of sewer to town. (i) As a condition prerequisite to final approval of the application, every user, also identified herein as prospective user(s), at the user's expense, shall convey all ownership rights and interests and grant unto the town an irrevocable dedication of any sewer extension which is in accordance and compliance with title 18 of the municipal code, the POTW Design Standards Manual and the subdivision regulations of the town then in effect.

(ii) "Sewer extension(s)," as used throughout this title, shall mean all facilities necessary for proper collection of wastewater and conveyance to the connection with the town's existing POTW and/or any modifications to the POTW deemed by the town necessary to accommodate the additional wastewater serviced by the facilities.

(iii) The sewer extension shall be made a part of the town's wastewater service area upon completion and all property(ies) connecting to the sewer extension shall be deemed users subject to the provisions of title 18.

(iv) The sewer extension(s) shall be placed within a right-of-way. The town must approve any use of an existing right-of-way prior to a potential user utilizing same. Whenever a potential user must acquire a right-of-way for the purpose of a sewer extension, the location of such right-of-way must be pre-approved by the town, and the potential user, at the user's expense, shall convey all ownership rights and interest and grant

unto the town an irrevocable dedication of the new right-of-way, which is in accordance and compliance with title 18 of the municipal code, the POTW Design Standards Manual and the subdivision regulations of the town then in effect.

(v) The town hereby reserves the right to enter upon the user's property whensoever necessary to maintain, repair and inspect portions of the sewer extension, and at all such times, the property owner shall grant any additional temporary easement(s) to the town as are necessary to accomplish same. The potential user, at the user's expense, shall provide the town a permanent utility easement for said purpose, measuring an area not less than ten feet (10') from all sides of the sewer extension, prior to final approval of the potential user's application.

(3) Requirements prerequisite to physical connection to POTW.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the wastewater system or appurtenances thereof without first obtaining a written permit from the superintendent as required by § 18-205 of this chapter.

(b) All prospective residential and/or commercial users shall purchase and install the septic tank system subject to the restrictions and requirements contained herein and/or specified by the superintendent. All costs and expenses related to the installation of the septic tank system shall be paid by the prospective user. The prospective user shall, and hereby does, indemnify the town from any loss or damage to person or property, which directly or indirectly results from the installation of the septic tank system.

(c) As part of the septic system and building inspection, the superintendent shall verify that the commercial user's building sewer includes such devices and/or other methods as are necessary to preclude all prohibited substances, as defined herein, from being contributed to the POTW.

(d) All persons desiring to, or who are mandatorily required by the terms of this chapter to, connect to the POTW must first make application at town hall for the installation of a tap, on the form provided by the town, along with payment of all applicable fees and charges.

(e) Application for a tap shall be accompanied by a site plan evidencing the location of the existing building, sewer, septic tank, effluent pump and appurtenances that are to be connected to the POTW.

(f) In addition, the aforesaid site plan must include a description of a permanent utility easement which shall be granted to the town, and the same shall accompany the tap application. The applicant must have prepared, at his expense, the aforesaid permanent utility easement, which permits the town, or its designated representative, access to the septic tank system for maintenance, repair(s) and/or

inspection(s). The said easement shall be an area not less than ten feet (10') from all sides of the septic tank and effluent pump as well ten feet (10') on either side of the effluent pump discharge line, extending from the property line to ten feet (10') past the septic tank. The town hereby reserves the right to enter upon the property whensoever necessary to maintain, repair and inspect the septic tank system, and at all such times, the property owner shall grant any additional temporary easement(s) to the town as are necessary to accomplish same.

(g) Any property which is adjacent to or abuts a right-of-way(s), easement(s) or appropriate utility corridor(s) within which sewer is located, presently or by future expansion, shall become automatically incorporated into the wastewater service area. The owner(s) of any such property made a part of the wastewater service area in this manner shall:

(i) Either voluntarily connect to the POTW or pay the ready to serve charge.

(ii) In the event of failure of the existing septic system, as determined by the Town of Pegram, connect to the POTW.

Costs assessed by the town associated with connection to the POTW, including, but not limited to, the applicable rates, fees and charges, are determined by resolution in effect on the date of actual connection, and costs are not determined as of the date the subject property is made a part of the wastewater service area.

(h) All users issued tap permits prior to the effective date of this subsection who have previously granted the town any easement(s) related to wastewater treatment and/or the septic tank system situated on the user's property shall cooperate with the town in order to correct such easement(s) to bring them into compliance with the provisions of this subsection. Each user issued a tap permit prior to the effective date of this subsection who has not yet granted the town an easement to enter upon his/her property for the purpose of maintaining, repairing and/or inspecting the septic tank system located thereon shall immediately execute a right-of-entry to the town granting the town, or its designated representative, access to the septic tank system located on his/her property in order for the town to maintain, repair and/or inspect the said septic tank system. Should a user's existing septic tank system experience failure or require repair, as determined by the town, the user shall promptly grant a permanent utility easement to the town in accordance with the requirements and specifications set forth above in subsection (f).

(i) In addition, the property owner expressly permits the Town of Pegram to enter upon his property in order to access the electrical line and control panel as reasonably necessary.

(j) All users within the wastewater services area shall convey all ownership rights and interests of their septic tank system to the town at no charge in return for the benefit of the POTW.

(k) Upon approval of the tap application, site plan and easement, and after conveyance of the septic tank system to the town, the town shall make the tap and record the easement.

(l) Each applicant will be required, at his expense, to convey his wastewater to the easement line at the nearest point to septic tank influent (i.e., building sewer), subject to approval of said connection by the Town of Pegram.

(4) Building sewer and septic tank. (a) A separate and independent building sewer is required for every building in the Town of Pegram.

(b) Existing building sewers may be used in connection with new buildings only when they are found on examination and after testing by the superintendent to meet all requirements of this chapter.

(c) Building sewers shall conform to the following requirements:

(i) Gravity building sewers shall be not less than four inches (4") in diameter and shall be laid with a slope (grade) of not less than one-fourth inch (1/4") per foot;

(ii) The minimum depth of a building sewer shall be eighteen inches (18") below grade;

(iii) Gravity building sewers six inches (6") or larger in diameter shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second;

(iv) Building sewers shall be laid in the most direct course possible. They shall be installed in a straight line and on uniform grade;

(v) Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the POTW, wastewater carried by such building sewer shall be lifted by an approved means and discharged to the POTW. The "lift" station from the building sewer to the POTW shall be owned, operated and maintained by the owner, and shall be considered a private lift station system;

(vi) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer that in turn is connected directly or indirectly to the POTW. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be

discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or a natural outlet;

(vii) Car wash bays, refuse container pads, and other similar areas that are outside or otherwise exposed to the outside environment that have building sewers connected to the POTW must be protected from the inflow of rainwater and runoff water by being properly covered overhead. Outside the immediate basin area, the grade shall be sloped away from the drain, and a curb or berm shall divert surface water away from the drain;

(viii) Building sewers shall be constructed only of materials as may be approved by the superintendent. Under no circumstances are cement mortar joints acceptable. Only the following types of pipe are acceptable for building sewers:

(A) Extra heavy cast iron or ductile iron soil pipe in compliance with commercial standard CS188-59, with a coal tar pitch coating and rubber gasket-type joints; or

(B) Polyvinyl Chloride (PVC) plastic drain, waste and vent (DWV) pipe in compliance with ASTM D 2665 Schedule 40, and may be jointed with solvent cement; or

(C) Extra-strength concrete pipe in compliance with ASTM C14-69, except as modified herein, the minimum wall thickness for four inch (4") pipe shall be one and one-fourth inches (1 1/4"), and the absorption shall not exceed six and one-half percent (6 1/2%). Joints shall be 0-ring rubber gasket type conforming to ASTM Des. C-443.

(ix) One (1) cleanout shall be located five feet (5') outside of the building, a second as it connects to the POTW, and additional cleanouts at each change of direction of the building sewer greater than forty-five degrees (45°). All cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "y" joint and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4") in diameter on a four inch (4") pipe. Cleanouts for existing pipes smaller than four inch (4") diameter shall be equal to the pipe diameter;

(x) An installed building sewer shall be gastight, watertight, and meet the pressure requirements of the POTW;

(xi) Connections of building sewers to the POTW shall be made at the appropriate existing "y" or tee branch using compression type couplings or collar type rubber joints with corrosion resisting or stainless steel bands. Where existing "y" or tee branches are not available, connections of building sewers shall be made by either removing a length of pipe and replacing it with a "y" or tee fitting or cutting a clean opening in the existing sewer

and installing a tee-saddle or tee-insert of a type approved by the superintendent. All such connections shall be made gastight, watertight, and meet the pressure requirements of the receiving POTW;

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

(xiii) All septic tanks will have a minimum volume of one thousand one hundred (1,100) gallons for residences and a minimum volume to be determined by the town for all other structures. No structure of any kind may be placed over a septic tank;

(xiv) All users shall install a septic tank effluent pump and appurtenances of the size, design, manufacture, and construction approved by the town to insure compatibility with the POTW;

(xv) Septic tank capacity and dimensions for other than residences shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation (TDEC) as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields";

(xvi) Where wastewater service is not available, the effluent shall be discharged in such a manner that it will 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 state health officer or county-designated health officer as determined by acceptable soil percolation data (see also chapter 4);

(xvii) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the user, at his cost, in a manner satisfactory to the town; and

(xviii) Each individual property owner or user of the POTW shall be responsible for and bear the cost of the satisfactory repairs and/or replacement of the building sewer. Such repair or

replacement shall be inspected and approved by the superintendent or his authorized representative. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006, amended by Ord. #2006-40, Dec. 2006, Ord. #2007-43, Feb. 2007, and Ord. #2008-58, March 2008)

18-204. Wastewater disposal for residences outside the wastewater service area. (1) Availability. All owners of residences located outside the wastewater service area (hereinafter cumulatively called "owner") shall connect their building sewers to a private wastewater disposal system which complies with the provisions of this chapter and chapter 4.

(2) Requirements. (a) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain written permission from the town and the Cheatham County Environmental Department. The owner shall supply any and all plans, specifications, and other information as are deemed necessary by the town and/or the Cheatham County Environmental Department.

(b) No private wastewater disposal system may employ subsurface soil absorption facilities where the area of the lot is less than that specified by the town or the Cheatham County Environmental Department.

(c) A private wastewater disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and the Cheatham County Environmental Department, who shall be allowed to inspect the work at any and all stage(s) of construction. The owner is required to notify the town and the Cheatham County Environmental Department that the work is ready for final inspection. Final inspection shall be made within a reasonable period of time after receipt or notice by the town and the Cheatham County Environmental Department.

(d) The type, capacity, location, and layout or a private wastewater disposal system shall comply with all recommendations of the State of Tennessee Department of Public Health, the town, and the Cheatham County Environmental Department. No septic tank shall be permitted to discharge to any natural outlet.

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

(f) No statement contained in this section shall be construed to permit or preclude any additional requirements that may be imposed by the town and/or the Cheatham County Environmental Department. (Ord. #1998-6, Aug. 1998, as amended by Ord. #2002-02, April 2002, modified, Ord. #2003-7, Jan. 2004, and replaced by Ord. #2006-35, April 2006)

18-205. Regulation of holding tank waste disposal. (1) Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent to perform such act(s) or service(s). Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form with the town. The applicant may be a resident of Pegram or a service provider hired by the resident. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant, or a service provider hired by the applicant, has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

In the event that any person, firm, association or corporation has need to commence the cleaning out, draining, or flushing of a septic tank or any other type of wastewater or excreta disposal system on an emergency basis, which shall be defined as a time in which the town hall is closed for business, including weekends, holidays or before or after normal business hours but excluding the lunch hour of a regular business day, the said permit must be obtained by the resident or service provider no later than the close of the next regular business day.

Any such permit granted shall be valid for ninety (90) days, unless sooner revoked. Each permit shall be non-transferable, and a separate permit shall be required for each act of cleaning out, draining, or flushing each septic tank or any other type of wastewater or excreta disposal system. The permit granted hereunder, or a copy thereof, shall be plainly displayed in the window of each motor vehicle used in the conduct of the business permitted hereunder.

Failure to obtain a permit, as specified herein, or to otherwise comply with any provision of this chapter shall be punishable by a fine of fifty dollars ($50.00) per offense. Each day of noncompliance herewith shall constitute a separate and distinct offense.

(2) Fees. For each permit issued, a fee shall be paid to the town in the amount of ten dollars ($10.00) to cover administrative costs.

(3) Designated disposal locations. The emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for shall be at a location(s) approved by TDEC and in compliance with all regulatory permits, certifications. standards, and all federal and/or state laws. It shall be a violation hereof for any person, firm, association or corporation to otherwise empty or clean such equipment.

(4) Revocation of permit. Failure to comply with any provision of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006, and amended by Ord. #2007-43, Feb. 2007)

18-206. Applications for residential and commercial wastewater discharge and industrial wastewater discharge permits. (1) Applications for discharge of residential and commercial domestic wastewater. All prospective residential and commercial users who generate wastewater shall make application to the superintendent for written authorization to discharge to the POTW on the form(s) provided by the town. Applications shall be required from all new dischargers, as well as from any existing discharger desiring additional service. The tap to the POTW shall not be made until the application is received and approved by the superintendent, the septic tank system is installed in accordance with this chapter, and the superintendent or his representative has performed an inspection.

Receipt by the town of a prospective user's application for service shall not obligate the town to render service. If the service applied for cannot reasonably be supplied in accordance with this chapter and the town's rules and regulations and general practice, the tap and privilege fees will be refunded in full and the town shall bear no obligation or liability to the applicant for such service, except that conditional waivers for additional service(s) may be granted by the superintendent for interim periods if compliance can be assured within a reasonable period of time.

Applications shall be considered within sixty (60) days of receipt of the completed form(s) and all fees. Determination on the application shall be provided by the town to the applicant within ninety (90) days thereafter.

Approved applicants shall be provided a tap by the town within ninety (90) days of application approval. The town will take every measure to timely consider all applications, being mindful of the nature of a need, but does not guarantee service.

A prospective user may appeal denial of an application according to the process set forth in § 18-209(10).

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall have a current and valid wastewater discharge permit.

(b) Applications. Applications for wastewater discharge permits shall be required as follows:

(i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent and accompanied by the appropriate fee. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the town and shall include, but not be limited to, the following

information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and thirty (30) minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged, a description of existing and proposed pretreatment and/or equalization, a detailed schedule of design and implementation activities and any other information deemed necessary by the superintendent. Information furnished should include: each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day); and number and type of employees and hours of operation of plant and proposed or actual hours or operation of pretreatment system.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit, submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(iv) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard and in no case may it exceed one (1) year from receipt of notice from the town. For the purpose of this subsection, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207 of this chapter.

(v) The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions provided herein.

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

(vii) The superintendent will act only on applications containing all of the information required in this chapter. The superintendent will notify persons who have filed incomplete applications that the application is deficient and the nature of such deficiency and the applicant shall have thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, as well as all user charges and/or fees established by the town. Permits may contain the following:

(i) The unit charge or schedule of user charges and/or fees for the wastewater to be discharged to a community POTW;

(ii) Limits on the average and maximum wastewater constituents and characteristics:

(iii) Limits on average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance inspections and sampling facilities;

(v) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports of discharge reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town and affording town access thereto;

(ix) Requirements for notification to the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;

(x) Requirements for notification of sludge discharged;

(xi) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.

(d) Progress reports. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit(s) issued to users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user subject to a national categorical pretreatment standard who has not previously submitted an application for a wastewater discharge permit shall apply for same within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, a user holding a current wastewater discharge permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsection (b)(ii) of this chapter.

Not later than fourteen (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, but not limited to, 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 all steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between any two (2) consecutive progress reports to the superintendent.

(e) Permit modifications. The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause arises. The user shall be informed of any proposed change in his permit at least thirty (30) days prior to the effective date of change. Any change in the permit shall include a reasonable time allotment for compliance.

(f) Permits shall be issued for a specified time period, established by the town on a case-by-case basis, not to exceed five (5) years. A permit may be issued for a period "less than one (1) year" or may specify an expiration date. The user shall apply for permit re-issuance no less than one hundred eighty (180) days prior to the expiration of the user's currently valid permit.

(g) Permit non-transferable. Wastewater discharge permits are issued to a specific user for a specific purpose. A wastewater discharge permit shall not be reassigned, transferred or sold without prior approval by the town. Any succeeding owner or user shall comply with all terms and conditions of the currently valid permit.

(h) Revocation of permit. Any permit issued pursuant to this chapter is subject to modification, suspension, or revocation in whole or in part, at any time, for cause including, but not limited to, the following:

(i) Violation of any term(s) or condition(s) of the wastewater discharge permit or other applicable federal, state, or local law or regulation;

(ii) Obtaining a permit by misrepresentation and/or failure to disclose fully all relevant facts and/or information;

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics; or

(v) Any other or further violation, act or omission by the user.

(3) Confidential information. All information and data compiled about a user, whether obtained from reports, questionnaire, permit application, permits, monitoring programs and/or inspections, shall be available to the public and/or any governmental agency, without restriction, unless the user specifically requests and demonstrates to the satisfaction of the superintendent that the release of such information will divulge information, processes, or methods of production which are entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use(s) related to this chapter or the town's or user's NPDES permit(s). Provided, however, that such portion(s) of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user or unless ordered to do so by a court of competent jurisdiction. (Ord. #1998-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-207. Discharge regulations. (1) General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly into the POTW, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other national state or local pretreatment

standards or requirements. A user shall not contribute the following substances to any POTW:

(a) Any liquids, solids, or gas(es), which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor may any single reading be over twenty percent (20%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides, and any other substances which the town, the state or the EPA has notified the user is a fire hazard to the wastewater system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 6.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and or personnel of the POTW.

(d) Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant is identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquid(s), gas(es), or solid(s), which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under

section 405 of the Act or criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

(g) Any substance that will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) Any wastewater causing discoloration of the POTW treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference and, in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees (40°) Celsius (one hundred four degrees (104°) Fahrenheit).

(j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration, which a user knows or has reason to know will cause interference to the POTW.

(k) Any water(s) or wastewater(s) causing an unusual volume of low concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing 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.

(m) Any wastewater that causes a hazard to human life or creates a public nuisance.

(n) Any water(s) or waste(s) containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) or one hundred fifty degrees (150°) Fahrenheit (zero (0°) and sixty-five (65°) degrees Celsius).

(o) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the TDEC. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the TDEC to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater that exceeds the following set of standards (Table A - User Discharge Restrictions), unless an exception is specifically permitted in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Compatible wastes:		
Biochemical Oxygen Demand (BOD)	140*	NA
Settleable solids (ml/l)	15*	20
Total suspended solids	100*	NA
Nitrogen (total Kjeldahl)	20*	40
Incompatible wastes:		
Antimony	5.0	8.0
Arsenic	1.0	1.5
Barium	35.0	50.0
Boron	0.2	0.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Cobalt	10.0	15.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Fluoride	45.0	70.0
Iron (total)	45.0	70.0
Lead	1.0	1.5
Magnesium	10.0	15.0
Manganese	1.0	1.5
Mercury	0.1	0.2

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Nickel	3.0	4.5
Phosphorus (total P)	10.0	15.0
Potassium	10.0	15.0
Pesticides and herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Strontium	30.0	50.0
Tin	10.0	15.0
Titanium	3.0	5.0
Zinc	0.1	0.5
Surfectants, as MBAS	25.0	50.0
Zinc	3.0	5.0
Phenols	10.0	15.0
Hexane or ether soluble substances	100.0	150.0
Total oil, grease, wax and fats	50.0	

*Based on twenty-four (24) hour flow proportional composite samples.

All constituents must satisfy conditions established by Table B in order for user to discharge levels stipulated in Table A. The influent cannot contain any more micrograms per liter than listed below.

Carbon tetrachloride	5 ug/l
Chromium (hexavalent)	375 ug/l
Chloroform	21 ug/l
Chromium (trivalent)	375 ug/l
Tetrachloroethylene	138 ug/l
Nickel	272 ug/l

Trichloroethylene	100 ug/l
Cadmium	33 ug/l
1, 2 Transdichloroethylene	7.5 ug/l
Lead	25 ug/l
Methylene chloride	104 ug/l
Mercury	6 ug/l
Phenol	27 ug/l
Silver	29 ug/l
Naphthalene	12.5 ug/l
Zinc	1052 ug/l
Bis (2-ethyl hexyl phathalate)	BDL**
Cyanide	605 ug/l
Butyl benzyl phathalate	BDL**
Toluene	214 ug/l
Benzene	13 ug/l
1,1,1-Trichloroethane	250 ug/l
Di-n-butyl phathalate	BDL**
Ethyl benzene	40 ug/l
Dicthyl phathalate	305 ug/l

**BDL - Below Detectable Limit

(3) Protection of wastewater treatment plant influent. The superintendent shall monitor the POTW influent for each parameter in the following table (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by Table A, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the town the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that:

(a) The POTW effluent standards are changed;

(b) There are changes in any applicable law or regulation affecting same; or

(c) Changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum dissolved (AL)	3.000	6.000
Antimony (Sb)	0.500	1.000
Arsenic (As)	0.060	0.120
Barium (Ba)	2.500	5.000
Boron (B)	0.400	0.800
Cadmium (Cd)	0.004	0.008
Chromium hex	0.060	0.120
Cobalt (Co)	0.030	0.060
Copper (Cu)	0.160	0.320
Cyanide (CN)	0.030	0.060
Fluoride (F)	0.600	1.200
Iron (Fe)	3.000	6.000
Lead (Pb)	0.100	0.200
Manganese (Mn)	0.100	0.200
Mercury (Hg)	0.025	0.050
Nickel (Ni)	0.150	0.300
Pesticides and herbicides	0.001	0.002
Phenols	1.000	2.000
Selenium (Se)	0.010	0.020
Silver (Ag)	0.050	0.100
Sulfide	25.000	40.000
Zinc (Zn)	0.300	0.600
Total Kjeldahl Nitrogen (TKN)	45.000	90.000

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional Composite Sample	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Oil and grease	50.000	100.000
MBAS	5.000	10.000
BOD	**	
Suspended solids	**	

Specific compounds	Maximum Instantaneous Concentration (Grab Sample)
Chloroform	21 ug/l
Chromium (trivalent)	375 ug/l
Tetrachloroethylene	138 ug/l
Trichloroethylene	100 ug/l
1, 2 Transdichloroethylene	75 ug/l
Methylene chloride	104 ug/l
Naphthalene	12.5 ug/l
Bis (2-ethyl hexyl phathalate)	BDL***
Butyl benzyl phathalate	BDL***
Toluene	214 ug/l
Benzene	13 ug/l
1,1,1-Trichloroethane	250 ug/l
Di-n-butyl phathalate	BDL***
Ethyl benzene	40 ug/l
Diethyl phathalate	305 ug/l

**Not to exceed the design capacity of POTW.
***BDL - Below Detectable Limits

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed hereunder. The superintendent shall notify all affected users of the applicable reporting requirements under 40 C.F.R., section 403.12.

(5) Right to establish more restrictive criteria. No statement contained herein is intended, or may be construed, to prohibit the superintendent from establishing specific wastewater discharge criteria which are more restrictive than those set out herein, if it is determined that wastes are harmful or destructive to the POTW, or creating a public nuisance, or causing the discharge of the POTW to violate effluent or stream quality standards, or interfering with the use of handling of sludge, or resulting in a violation of the NPDES permit, or exceeding industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the TDEC and/or the EPA.

(6) Special agreements. Nothing in this chapter shall be construed so as to prevent any special agreement or arrangement between the town and any user of the POTW, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between the town and the user shall be strictly limited to the ability of the POTW to handle such wastes without interfering with unit operations or sludge use and to handle or allow the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement shall be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.

(7) Exceptions to discharge criteria. (a) Application for exception. Commercial users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in § 18-207(1), (2) and (3) of this chapter. Exceptions may be granted according to the following guidelines:

The superintendent shall allow applications for temporary exceptions at any time. The same shall be submitted to town hall on the prescribed form, along with payment of the application fee of one hundred dollars ($100.00). However, the superintendent shall not accept an application if the applicant has submitted the same or a substantially similar application within the preceding year which has been denied by the town.

All applications for an exception shall contain sufficient information for evaluation of each of the factors to be considered by the town in its review of the application.

(b) Conditions. All exceptions granted under this subsection shall be temporary and subject to revocation at any time by the superintendent upon reasonable notice.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, the user's permit(s) will be subject to revocation. The user requesting the exception must demonstrate that compliance with stated concentration levels and/or quantity standards is technically or economically infeasible and the discharge, if accepted, will not:

(i) Interfere with the normal collection and operation of the POTW;

(ii) Limit the sludge management alternatives available and/or increase the cost of providing adequate sludge management; and

(iii) Pass through the POTW in quantities and/or concentrations that will cause the POTW to violate the NPDES permit.

The user must show that the exception, if granted, will not cause the discharge to violate any applicable in-force federal pretreatment standards, unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted. These surcharges shall be applied pursuant to § 18-301(6)(b)(ii) for the stipulated concentration based on the user's average daily flow.

(c) Review of application by the superintendent. The superintendent shall review all applications for exception. If the application does not contain sufficient information, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. The board of mayor and aldermen, upon written request and for just cause shown, may extend this thirty (30) day period. Upon receipt of a completed application, the superintendent shall evaluate the same within thirty (30) days and submit his recommendations to the board of mayor and aldermen at its next regularly scheduled meeting. Exceptions shall only be granted by the board of mayor and aldermen.

(d) Review of application by the town. The town shall evaluate all applications for exception and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national categorical pretreatment standard containing discharge limitations more stringent than those in this chapter, and then may grant an

exception only if such exception can be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the EPA, pursuant to section 307(a) of the Act (133 U.S.C. 1317), and then may grant an exception only if such exception can be granted within the limitations of applicable federal regulations:

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the POTW, taking into consideration the concentration of said pollutant in the POTW's influent and the design capability of the wastewater system;

(iv) The cost of pretreatment of other types of control techniques which would be necessary in order for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user, and process changes available, which would affect the quality or quantity of wastewater discharge, and

(vii) The engineering aspects of various types of pretreatment, or other control techniques available to the user, to improve the quality or quantity of wastewater discharge.

(8) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from similar areas or holding ponds of any waste regulated hereby. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated hereunder shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities and/or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the town by telephone to allow for countermeasures to be taken by the superintendent in order to minimize damage to the POTW, the public, and/or the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to the town, state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board, or other prominent place, advising employees of whom to call in the event of a dangerous discharge.

Employers shall ensure that all employees are advised of the emergency notification procedure.

(9) Loss of service. In the event of loss of service, the user shall contact the town as soon as practicable. The superintendent will initiate a response to the loss of service within a reasonable time after notification. Such reasonable time shall be determined on a case-by-case basis commensurate with the nature and the precipitating cause of the loss. The superintendent is authorized to repair and/or otherwise correct the loss of service, and the cost of same will be borne by the town. However, in the event that the loss is determined to be due to the user's negligent and/or intentional acts and/or omissions, all costs associated with the repair and/or correction of service shall be borne by the user and reimbursed to the town within sixty (60) days of expenditure. (Ord. #1996-6, Aug. 1998, modified, as replaced by Ord. #2006-35, April 2006)

18-208. Industrial user monitoring, inspection reports, records access, and safety. (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. The said monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different

operations of a single user, the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user. If the superintendent also requires sampling or metering equipment, the same shall be provided and installed at the user's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way, with the approval of the public agency having jurisdiction of that right-of-way, and located so that landscaping or parked vehicles will not obstruct it.

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. The user shall indemnify the town from any and all liability associated with the monitoring facility, its operation and/or maintenance. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user is notified, in writing, of the necessity of monitoring facilities, construction must be completed within one hundred eighty (180) days following written notification, unless the superintendent grants an extension.

(2) Inspection and sampling. The town shall inspect the facilities of any user to ascertain whether the purpose(s) of this chapter is/are being met and all requirements are being complied with. Persons or occupants of any premises where wastewater is created or discharged shall allow the town, or its representative, ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, record examination or in the performance of any associated act. The town approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his security guard(s) so that, upon presentation of suitable identification, personnel from the town approval authority and/or EPA will be permitted to enter without delay for the purpose(s) of performing their specific responsibility. The superintendent, or his representative(s), shall not inquire into any manufacturing process that does not have a direct bearing on the level and source(s) of discharge to the sewers, waterways, or POTW.

In the event a user refuses inspection, an administrative inspection warrant shall issue, requiring the user to appear before the wastewater commissioner board to show cause, if any exists, why the refusal is justified and/or why the board's proposed enforcement of this chapter should not be taken. The procedure for said hearing shall be the same as that set forth in § 18-209(5). The board may issue an order to the user refusing inspection that directs, following a specified time period, the wastewater service to be discontinued unless inspection is allowed. Further orders and directives, as are necessary and appropriate, may be issued.

(3) Compliance date report. Within one hundred eighty (180) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a notary public.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that exceeded the average daily flow during the reporting period. At the discretion of the superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where appropriate. In such case(s), the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling and analysis of the discharge including, but not limited to, the flow and the nature and concentration, or production and mass,

where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analysis shall be performed in accordance with procedures established by the superintendent pursuant to section 304(g) of the Act and contained in 40 C.F.R., part 136, and amendments thereto, or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;

(b) The date(s) analysis was performed;

(c) The date, name, title and address of person(s) performing the analysis;

(d) The analytical techniques/methods used; and

(e) The results of such analysis.

Any industrial user subject to the reporting requirement established in this chapter shall retain all records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) for three (3) years and shall make such records available in inspection and copying by the superintendent, director of the division of water quality control, TDEC, or the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user when requested by the superintendent, the approval authority, or the EPA.

(6) Safety. While performing the necessary work on private properties, the superintendent, or duly authorized employees of the town, shall observe those safety rules applicable to the premises and established by the company, which are provided in written form to the town prior to the performance of work. Town employees will be covered by workers' compensation insurance provided by the town. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-209. Enforcement and abatement. (1) Public nuisance. Discharge(s) of wastewater in any manner in violation of this chapter or of any order issued by the superintendent, as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the town codes and/or ordinances, state statutes and/or common law governing such nuisance.

(2) Issuance of cease and desist orders. When the superintendent determines that a discharge of wastewater has taken place in violation of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist and direct that the person(s) not in compliance:

(a) Comply forthwith and in accordance with a time schedule set forth by the superintendent; and/or

(b) Take appropriate remedial or preventive action in the event of a threatened or impending violation; and/or

(c) Appear for a show cause hearing to determine surrender or revocation of the user's applicable permit.

Failure by the superintendent to issue a cease and desist order to a violating user shall not in any way forgive the violation or relieve the user from any consequence(s) of a wrongful or illegal discharge.

(3) Schedule of remedial/corrective actions. When the superintendent determines that a discharge of wastewater has been taking place in violation of this chapter, or wastewater source control requirements, or effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, the superintendent shall require the user to submit for approval a detailed time schedule of specific actions which the user shall take in order to prevent or correct the violation(s). Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of a cease and desist order, and the superintendent may modify the schedule as he deems necessary. Such modifications shall be mandatory and shall be given a presumption of correctness when reviewed by the wastewater commissioner's board and/or a court of competent jurisdiction.

(4) Establishment of wastewater commissioner board. A wastewater commissioner board (also known as a "board of sewage commissioners") hereby is established pursuant to and subject to the provisions of Tennessee Code Annotated, § 7-35-406. The board of mayor and aldermen shall perform the duties required of the said wastewater commissioner board unless the board of mayor and aldermen shall, by resolution, appoint a wastewater commissioner board of five (5) residential property owners pursuant to Tennessee Code Annotated, §§ 7-35-407 through 7-35-409.

(5) Show cause hearing. (a) The town may order any user who causes or allows any unauthorized discharge to enter the POTW to appear and show cause, if any exists, why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reason(s) why the action is to be taken, the proposed enforcement action, and directing the user to show cause, if any, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and aldermen notice(s) of hearings requesting the attendance and witnesses and the production of evidence relevant to any matter involved in such hearing;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the entire board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge that directs, following a specified time period, the wastewater service to be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly functioning and operated. Further orders and directives, as are necessary and appropriate, may be issued.

(6) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which, in the opinion of the superintendent, presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POTW, the superintendent, or in his absence the person then in charge of the POTW, shall immediately notify the mayor, or in his absence, the vice-mayor, of the nature of the emergency. The superintendent also shall attempt to notify the user or other person causing the emergency and request his assistance in abating it. Following consultation with the aforementioned official(s) of the town, or in their absence such elected officials of the town as may be available, the superintendent shall temporarily terminate the service of such user(s) as is necessary to abate the condition when such action appears reasonably necessary. The superintendent shall restore such service as soon as the emergency situation has been abated or corrected.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation hereof. All costs of such corrective action shall be added to any wastewater service charge payable by the person violating the chapter, or the owner or tenant of the property upon which the violation occurred, and the town shall have such remedies for the collection of such costs as it has for the collection of wastewater service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required in cleaning and/or repairing the facility and shall automatically add such charge to the user's next wastewater service bill.

(9) Legal action and civil liabilities. If any person discharges wastewater or industrial wastes, of any type whatsoever, into the town's wastewater system contrary to any state or federal pretreatment requirements, any provisions of this chapter, the municipal code or any other order by the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the Chancery Court of Cheatham County.

Any person or user who intentionally or negligently violates any provision of this chapter, requirements or conditions set forth in a permit duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The Town of Pegram may sue for damages, including, but not limited to, attorney fees, litigation expenses, and court costs, in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent or harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.

(10) Appeal process. Any user or potential user who does not agree with the action(s) and/or decision(s) of the town, under this chapter, may appeal such action(s) and/or the decision(s) to the wastewater commissioner board by filing an appeal with the town recorder within ten (10) days of the opposed action(s)and/or decision(s). The appeal shall be accompanied by a non-refundable filing fee in the amount of one hundred dollars ($100.00).

Appeal may be taken from a decision rendered by the wastewater commissioner board to the board of mayor and aldermen within ten (10) days of the decision being entered. An additional non-refundable filing fee in the amount of one hundred dollars ($100.00) is required for such appeal. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-210. Penalties and costs. (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who has willfully or negligently failed to comply with any provision of this chapter, or any order, rule, regulation and/or permit issued hereunder, shall be fined fifty dollars ($50.00) for each offense. Each day in which a violation shall occur or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or any order, rule, regulation, and/or permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or the wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required hereunder shall, upon conviction, be punished by a fine of fifty dollars ($50.00) per offense. Each day in which the violation continues to occur and is not rectified shall constitute a separate offense. (Ord. #1998-6, Aug. 1998, as replaced by Ord. #2006-35, April 2006)

18-211. [Deleted.] (Ord. #1998-6, Aug. 1998, as deleted by Ord. #2006-35, April 2006)

CHAPTER 3

USER RATES, CHARGES AND FEES; BILLING[1]

SECTION

18-301. Purpose.
18-302. Types of rates, fees and charges.
18-303. Application for discharge fee.
18-304. Tap fees.
18-305. Privilege fees.
18-306. User classifications and determination of costs.
18-307. Surcharge fees.
18-308. Ready to serve charge.
18-309. Inspection fees.
18-310. Disconnection/reconnection charge.
18-311. Industrial discharge monitoring.
18-312. Billing.
18-313. Failure to pay.

18-301. Purpose. It is the purpose of this section to provide for the full and equitable recovery of costs from users of the town's POTW, including, but not limited to, costs of operation, maintenance, administration, bond service, capital improvements, renewal and replacement, and reserve accounts. (Ord. #2002-08, May 2002, modified, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-302. Types of rates, fees and charges. The board of mayor and aldermen hereby establishes and maintains just and equitable rates, fees and charges for the use of and service rendered by the POTW, to be paid by the beneficiaries of the system, as follows:

(1) Tap fees;
(2) Privilege fees;
(3) User charges;
(4) Surcharge charge;
(5) Ready to serve charge(s);
(6) Inspection fee;
(7) Disconnection/reconnection charge(s);
(8) Application fees;
(9) Residential and commercial wastewater discharge permit fees;
(10) Industrial wastewater discharge permit fees;

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[1]All schedules of rates and fees, as amended from time to time, are available in the recorder's office.

(11) Fees for industrial discharge monitoring; and

(12) Other fees as the town may deem necessary to carry out the requirements of this chapter.

The board of mayor and aldermen shall establish by resolution from time to time, as is necessary, the schedule of reasonable rates, fees and charges for the services, facilities and commodities of the POTW. (Ord. #2002-08, May 2002, modified, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-303. Application for discharge fee. A fee will be charged when an existing or prospective residential, commercial or industrial user makes application for discharge as required by § 18-206. The application fee is fifty dollars ($50.00). (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-304. Tap fees. The tap fees are set forth by resolution. The tap fee covers the town's cost for the physical connection and inspection of the septic tank system and sewer line to the POTW for residential, commercial and industrial users.

Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the tap fee shall accompany the said application. (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-305. Privilege fees. Privilege fees are set forth by resolution. A privilege fee is imposed by the town on residential, commercial, and industrial users to recover the cost of wastewater treatment facilities, treatment facility improvements, and public wastewater conveyance systems to provide service in existing service areas and new service areas, as well as the projected demand to the wastewater system.

Whether application for discharge is made by a prospective user mandatorily or voluntarily under the provisions of this chapter, payment of the privilege fee shall accompany the said application. (Ord. #2002-08, May 2002, as repealed by Ord. #2006-34, March 2006, and replaced by Ord. #2006-35, April 2006)

18-306. User classifications and determination of costs.

(1) Classification. Users of the POTW shall be classified into three (3) general classes of categories depending upon the user's contribution of wastewater loads; each class of user being identified as follows:

(a) Class I: Those users whose average biochemical oxygen demand is one hundred forty milligrams per liter (140/mg/l) by weight or less, and whose suspended solids discharge is one hundred milligrams per

liter (100 mg/l) by weight or less. This class of users discharges wastewater into the small diameter sewage collection system, which has received primary treatment in a septic tank and is deemed compatible with the small diameter collection system.

(b) Class II: Those users whose average biochemical oxygen demand exceeds one hundred forty milligrams per liter concentration (140 mg/l) by weight and whose suspended solids exceeds one hundred milligrams per liter concentration (100 mg/l). Class II users discharge wastewater into the small diameter sewage collection system, which has not received adequate primary treatment in a septic tank or by other means and is, therefore, deemed incompatible with the small diameter collection system. This class of user is discouraged and in most areas cannot be served by the small diameter collection system without significant additional transportation costs to be borne by the user.

(c) Industrial users that generate wastewater greater in strength than Class I users shall be required to pretreat the waste to the strength specified for Class I users.

(2) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs, operation and maintenance costs of the wastewater collection and treatment system, debt service costs and depreciation costs.

(a) All users who fall under Class I shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased ($/1,000 gallons).

(b) All users who fall within the Class II classification shall pay the same base unit charge per one thousand (1,000) gallons of water purchased as do the Class I Users and, in addition, shall pay a surcharge rate on the excessive amount of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(c) The volume or water purchased, which is used in the calculation of sewer use charges, may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the POTW (i.e., filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the POTW.

(d) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the POTW are in

excess of those contemplated in § 18-306(1)(a), thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$C_u = V_c V_u = B_c B_u + S_c S_u$.

Abbreviations:

C_u = Total user charge per unit of time.
V_c = Total cost for transportation and treatment of a unit of wastewater volume.
V_u = Volume contribution per unit of time.
B_c = Total cost for treatment of a unit of Biochemical Oxygen Demand (BOD).
B_u = Total BOD contribution for a user per unit of time.
S_c = Total cost of treatment of a unit of suspended solids.
S_u = Total suspended solids contribution from a user per unit of time.

(as added by Ord. #2006-35, April 2006)

18-307. Surcharge fees. If it is determined by the town that the discharge of other loading parameters or wastewater substances is creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the user according to discharge of such parameter(s) in proportion to the amount of discharge. (as added by Ord. #2006-35, April 2006)

18-308. Ready to serve charge. The ready to serve charge is set forth by resolution. A ready to serve charge shall be assessed against all existing residential property owners located within the wastewater service area who are not yet connected to the wastewater system. (as added by Ord. #2006-35, April 2006)

18-309. Inspection fees. The inspection fees are set forth by resolution. An inspection fee shall be assessed to defray the cost of inspecting the septic tank system. (as added by Ord. #2006-35, April 2006)

18-310. Disconnection/reconnection charge. The disconnection/ reconnection charge is set forth by resolution. A disconnection/reconnection charge shall be assessed against all users who receive wastewater service from the town but fail or refuse to pay for such service, whereby resulting in termination of their service. (as added by Ord. #2006-35, April 2006)

18-311. Industrial discharge monitoring. Fees may be collected from industrial users having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and/or other administrative duties of the pretreatment program. (as added by Ord. #2006-35, April 2006)

18-312. Billing. The billing for usual and ordinary wastewater services shall consist of monthly billing in accordance with the rates specified by the town, subject to net and gross rates. (as added by Ord. #2006-35, April 2006)

18-313. Failure to pay. It shall be unlawful, and a civil offense, for any person, firm, or corporation, association, or any other person or organization, who receives wastewater service from the town, to fail or refuse to pay for such service.

The town shall have the following remedies in the event of the failure or refusal on the part of any person, firm, corporation, or any other person or organization that receives wastewater service, to pay for such service:

(1) Collect the amount owed by such customer as a civil debt; and/or

(2) Cite such customer into the municipal court and, upon conviction, impose a civil penalty on such customer in the amount of fifty dollars ($50.00) per offense. Each day a violation continues shall constitute a separate and distinct offense; and/or

(3) Terminate the wastewater service, as follows;

(a) Written notice of the termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of the termination. The cut-off notice shall specify:

(i) The reason for the cut-off;

(ii) The amount due, including late charges and any other charges:

(iii) The last date to avoid service termination charges;

(iv) Notification that the customer has a right to a hearing prior to service termination, and the procedure(s) for emergency and/or hardship cases.

(b) 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.

(c) Hearings on service termination, as provided above, will be scheduled and held by appointment at the town hall office between the hours of 8:00 A.M. and 4:00 P.M. on any regular business day.

(d) Termination will not be made on any day preceding the day when the town hall is scheduled to be closed.

(e) If the customer does not pay the outstanding bill and does not request a termination hearing, the town shall proceed with the termination of wastewater service, as provided.

(f) Wastewater service will be reconnected only after payment of all wastewater rates, fees, and charges, including, but not limited to, late charges, or after satisfactory arrangements for payment of the same shall have been made, plus payment of reconnection charges.

(g) Disconnection/reconnection charges incurred by water customers of the public water utility shall be assessed and collected by the Second South Cheatham Utility District of Cheatham County, Tennessee ("SSCU") under its rules and regulations and in accordance with the billing and collection agreement, and all amendments thereto, between the town and SSCU, as well as the provisions set forth herein. When a Pegram sewer customer is not a water customer of SSCU, the town shall be responsible for collecting all unpaid balance(s) and charges. In addition, the town shall be entitled to recover all costs of collection of delinquent accounts, including, but not limited to, attorney fees.

(4) The town shall have the right to use the above remedies prescribed for the failure or refusal to pay wastewater bills collectively or selectively and in any and all combinations. In addition, the use of any or all of the above remedies by the town shall not prohibit or limit its right to use any other remedy that might now or in the future be authorized under state law. (as added by Ord. #2006-35, April 2006)

CHAPTER 4

SEPTIC TANK CONSTRUCTION SPECIFICATIONS

SECTION

18-401. Scope of standard septic tank construction and installation specifications.
18-402. Permit required.
18-403. Construction standards.
18-404. Reference standards.
18-405. Inclusion in the wastewater service area.
18-406. Requirements for operation of private wastewater disposal systems.

18-401. Scope of standard septic tank construction and installation specifications. (1) All new construction and/or installation of septic tanks and replacement of septic tanks within the wastewater service area shall be made pursuant to the POTW Design Standards Manual, whether intended for residential, commercial and/or industrial use, in conjunction with all state and local zoning rules and/or regulations, all local zoning and subdivision regulations, and all TDEC requirements.

(2) In all locations outside of the wastewater service area, where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter and § 18-204. (as added by Ord. #2006-35, April 2006)

18-402. Permit required. Before commencement of construction of a private wastewater system, the owner shall first obtain a written permit signed by the Cheatham County Environmental Office and provide the same to the town.

The applicant for the permit shall notify the local health department official and the town superintendent when the work is ready for final inspection and before any underground portions are covered. (as added by Ord. #2006-35, April 2006)

18-403. Construction standards. The type, capacity, locale and layout of a private wastewater system shall comply with all recommendations of the Cheatham County Environmental Office, TDEC, and the town superintendent, as well as all planning commission requirements. (See also Subdivision Regulations for the Town of Pegram.) (as added by Ord. #2006-35, April 2006)

18-404. Reference standards. Septic tank capacity and dimensions for all private wastewater systems shall be in accordance with the recommendations of TDEC, as provided for in its 1967 bulletin entitled "'Recommended Guide for Location, Design, and Construction of Septic Tanks

and Disposal Fields," and the POTW Design Standards Manual. (as added by Ord. #2006-35, April 2006)

18-405. Inclusion in the wastewater service area. All residences on private wastewater systems shall be subject to inclusion in the wastewater service area, pursuant to § 18-203, and shall comply with all requirements set forth in § 18-203 accordingly. At such time as conversion to the POTW occurs, a direct connection shall be made to the POTW in compliance with the POTW Design Standards Manual, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be abandoned and filled with suitable materials, after approval of the material(s) by the town superintendent. The town superintendent shall be allowed to inspect the work at any state of construction, and the property owner shall notify the town superintendent when the work is ready for final inspection and before any underground portions are covered. (as added by Ord. #2006-35, April 2006)

18-406. Requirements for operation of private wastewater disposal systems. (1) The owner of a private wastewater system shall operate and maintain the private wastewater disposal facility(ies) in a sanitary manner at all times, at no expense to the Town of Pegram.

(2) No statement contained in this chapter is intended or shall be construed to interfere with any additional requirements that may be imposed by the health officer and/or the town superintendent. (as added by Ord. #2006-35, April 2006)

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY[1]

SECTION
19-101. To be furnished by Nashville Electric Service and the Town of Dickson Electric Department.
19-102. Inspections.
19-103. Exceptions.

19-101. To be furnished by Nashville Electric Service and the Town of Dickson Electric Department. Electricity shall be provided to the Town of Pegram and its inhabitants by the Nashville Electric Service and the Town of Dickson Electric. The rights, powers, duties, and obligations of the Town of Pegram and its inhabitants, are stated in the agreements between the parties.[2] (1990 Code, § 13-201)

19-102. Inspections. The town shall have the right, but not be obligated, to inspect any installation electrical work before electric service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or electrical work shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

19-103. Exceptions. The electric utilities entities that serve the Town of Pegram require inspection by state inspectors prior to serving any new or modified electric service customer. This inspection will be accepted, except this

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[1]Municipal code reference
Electrical code: title 12, chapter 3.

[2]The agreements are of record in the office of the recorder.

exception will not prevent the Town of Pegram from requiring electrical inspection for safety and enforcement of companion codes, if required.

CHAPTER 2

GAS[1]

SECTION

19-201. Application and scope.
19-202. Definitions.
19-203. Application and contract for service.
19-204. Service charges for temporary service.
19-205. Connection charges.
19-206. Gas main extensions.
19-207. Gas main extension variances.
19-208. Meters.
19-209. Multiple services through a single meter.
19-210. Customer billing and payment policy.
19-211. Termination or refusal of service.
19-212. Termination of service by customer.
19-213. Access to customer's premises.
19-214. Inspections.
19-215. Customer's responsibility for system's property.
19-216. Customer's responsibility for violations.
19-217. Supply and resale of gas.
19-218. Unauthorized use of or interference with gas supply.
19-219. Damages to property due to gas pressure.
19-220. Liability for cutoff failures.
19-221. Restricted use of gas.
19-222. Interruption of service.
19-223. Schedule of rates.

19-201. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1990 Code, § 13-301)

19-202. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the town under either an express or implied contract.

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[1]Municipal code reference

Gas code: title 12, chapter 4.

Franchise granted to Greater Dickson as Authority by Ord. #1992-4, March, 1992, and any amendments thereto, available in the office of the city recorder.

(2) "Service line" shall consist of the pipe line extending from any gas main of the town 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 town's gas main to and including the meter and meter box.

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

(4) "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. (1990 Code, § 13-302)

19-203. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay a service deposit as prescribed by the board of mayor and aldermen before service is supplied. The service deposit shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1990 Code, § 13-303)

19-204. 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 gas service. (1990 Code, § 13-304)

19-205. Connection charges. Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new gas service line will be laid by the town, the applicant shall make a nonrefundable connection charge as prescribed by the board of mayor and aldermen.

When a service line is completed, the town 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 town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1990 Code, § 13-305)

19-206. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such gas mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations. (1990 Code, § 13-306)

19-207. Gas main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1990 Code, § 13-307)

19-208. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

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 gas meter without the written permission of the town. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being registered fully by the meter. (1990 Code, § 13-308)

19-209. Multiple services through a single meter. No customer shall supply gas service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The gas and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of gas so allocated to it, such computation to be made at the town's applicable gas 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. (1990 Code, § 13-309)

19-210. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than fifteen (15) days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge as prescribed by the board of mayor and aldermen for any portion of the bill paid after the net payment period.

Payment must be received in the gas department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1990 Code, § 13-310)

19-211. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

(a) These rules and regulations, including the nonpayment of bills.

(b) The customer's application for service.

(c) The customer's contract for service.

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

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

(a) 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 cutoff 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.

(b) In the case of termination for nonpayment of bill, 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 a 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.

(c) 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 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the gas department is scheduled to be closed.

(e) 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 gas department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the gas department, plus the payment of a reconnection charge as prescribed by the board of mayor and aldermen if the reconnection is made during regular business hours, or the regular charge plus an add-on charge if the reconnection is made after regular business hours. (1990 Code, § 13-311)

19-212. 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 town 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 town 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 town 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 town to enter into a contract for service in the occupant's own name upon the occupant's complying with regulations with respect to a new application for service. (1990 Code, § 13-312)

19-213. Access to customers' premises. The town'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 town, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations. (1990 Code, § 13-313)

19-214. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1990 Code, § 13-314)

19-215. 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer. (1990 Code, § 13-315)

19-216. Customer's responsibility for violations. Where the town furnishes gas 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. (1990 Code, § 13-316)

19-217. Supply and resale of gas. All gas shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell,

sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the town. (1990 Code, § 13-317)

19-218. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the town's gas, valves, or controls without permission or authority from the town. (1990 Code, § 13-318)

19-219. Damages to property due to gas pressure. The town shall not be liable to any customer for damages caused to his gas plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's gas mains. (1990 Code, § 13-319)

19-220. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for gas 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 gas service, the town has failed to cut off such service.

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

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

Except to the extent stated above, the town 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 town's cutoff. (1990 Code, § 13-320)

19-221. Restricted use of gas. In times of emergencies or in times of gas shortage, the town reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use. (1990 Code, § 13-321)

19-222. Interruption of service. The town will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal gas system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town 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. (1990 Code, § 13-322)

19-223. <u>Schedule of rates</u>. All gas service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.[1] (1990 Code, § 13-323)

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

TITLE 20

MISCELLANEOUS

CHAPTER
1. CHARGES FOR ENGINEERING FEES.
2. PUBLIC RECORDS POLICY.

CHAPTER 1

CHARGES FOR ENGINEERING FEES

SECTION
20-101. Oversight and project site inspection charges.
20-102. Fee schedule.
20-103. Violations and penalties
20-104. Purpose.
20-105. Conflict of interest

20-101. Oversight and project site inspection charges. (1) All owners, developers and/or applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by subdivision, planned unit developments, site plans, landscape plans, special exceptions and/or variances approved by the board of zoning appeals, use changes, sketch plans, preliminary plats, final plats, construction plans, grading plans, wastewater treatment facility plans, and all matters which require established sums for performance bonding, dedication of easements, and facilities/structures associated with the foregoing, shall be responsible for any and all reimbursement of charges to the Town of Pegram, Tennessee for all actual review charges levied, including but not limited to engineering review, engineering oversight and project site inspection charges/fees assessed by the town engineer, his agent, employee or appointed designee, by the town attorney, and/or by any other designated consultant rendering services ancillary to the foregoing for and on behalf of the municipality, wherein said charges/fees are incurred by the said town by virtue of and as relates to the foregoing.

(2) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursement charges are not paid timely, any permit issued or approval before given shall become void and default may be declared upon any performance bonding posted with the town. (Ord. #1999-7, July 1999, as replaced by Ord. #2004-17, Jan. 2005)

20-102. Fee schedule. In addition to the actual charges incurred and notwithstanding all of the foregoing, certain charges shall be due and paid at the time application is made to the Town of Pegram or its municipal planning commission as a base minimum, all of which shall be set forth and adopted by resolution by the board of mayor and aldermen. Not until payment in full of the applicable fee(s) is made to the town, in the sums set forth according to the said fee schedule, shall any permit issue or application be considered by the planning commission. Said fee schedule shall set any and all exemption payments of fees and shall be revised from time to time, as is necessary, by further resolution passed by the board of mayor and aldermen. (as added by Ord. #2004-17, Jan. 2005)

20-103. Violations and penalties. (1) Whenever a permit is required and work has started or proceeded prior to obtaining the required permit(s), the fees set forth in the fee schedule shall double and a stop work order shall issue.

(2) Failure to comply with a stop work order shall result in a finding of guilt rendered by the town court with a punishment to include but not be limited to a fine of not more than fifty dollars ($50.00) per offense. Each day that a violation continues shall be considered a separate offense and an additional violation. Such fine is intended to be remedial in nature for the purpose of deterrence and to protect the public health, safety and welfare of the residents of Pegram. Subsequent compliance shall result in a reduction and/or elimination of the imposed fine.

(3) The building inspector shall be the person authorized to issue all permits and is hereby authorized to issue any necessary stop work orders for the failure to secure a proper permit and/or for failure to pay the proper fee(s). (as added by Ord. #2004-17, Jan. 2005)

20-104. Purpose. This chapter is not deemed to be a tax, but instead is intended to offset actual incurred expenses of the municipality for an owner, developer and/or applicant seeking development of land and improvement of lands within the municipality. (as added by Ord. #2004-17, Jan. 2005)

20-105. Conflict of interest. It is and shall constitute a conflict of interest for the town engineer and/or town attorney to perform any service on behalf of an owner, developer and/or applicant as described herein, and all services performed by the town engineer and/or town attorney as relates to the foregoing chapters shall be deemed rendered solely for and on behalf of the Town of Pegram. (as added by Ord. #2004-17, Jan. 2005)

CHAPTER 2

PUBLIC RECORDS POLICY

SECTION

20-201. Definitions.
20-202. Requesting access to public records.
20-203. Responding to public records requests.
20-204. Inspection of records.
20-205. Copies of records.
20-206. Fees and charges and procedures for billing and payment.

20-201. Definitions. (1) "Records custodian." The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tennessee Code Annotated, § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

(2) "Public records." All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tennessee Code Annotated, § 10-7-503(a)(1)(A).

(3) "Public records request coordinator." The individual, or individuals, designated in § 20-203(1)(c) of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tennessee Code Annotated, § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian. For the Town of Pegram, the public records request coordinator shall be the city recorder.

(4) "Requestor." A person seeking access to a public record, whether it is for inspection or duplication. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

20-202. Requesting access to public records. (1) Public record requests shall be made to the public records request coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

(2) Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the request or for providing any written communication required under the TPRA.

(3) Requests for inspection may be made orally or in writing[1] at Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143 or by phone at 615-646-0773, or by email to recorder@pegram.net.

(4) Requests for copies, or requests for inspection and copies, shall be made in writing[2] either in person or through mail to Pegram City Hall, 308 Hwy 70 East, Pegram, TN 37143, or by email to recorder@pegram.net.

(5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

20-203. Responding to Public records requests. (1) Public record request coordinator. (a) The PRRC shall review public record requests and make an initial determination of the following:

(i) If the requestor provided evidence of Tennessee citizenship;

(ii) If the records requested are described with sufficient specificity to identify them; and

(iii) If the Town is the custodian of the records.

(b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

(i) Advise the requestor of this policy and the elections made regarding:

(A) Proof of Tennessee citizenship;

(B) Form(s) required for copies;

(C) Fees (and labor threshold and waivers, if applicable); and

(D) Aggregation of multiple or frequent requests.

(ii) If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

(A) The requestor is not, or has not presented evidence of being a Tennessee citizen.

(B) The request lacks specificity.

(C) An exemption makes the record not subject to disclosure under the TPRA.

(D) The town is not the custodian of the requested records.

(E) The records do not exist.

(iii) If appropriate, contact the requestor to see if the request can be narrowed.

[1,2]A copy of the Public Records Request Response Form may be found in the recorder's office.

(iv) Forward the records request to the appropriate records custodian in the Town of Pegram.

(c) The designated PRRC(s) is(are):

(i) Name or title: city recorder.

(ii) Contact information: 308 Hwy 70 East, Pegram, TN 37143, 615-646-0773 or recorder@pegram.net.

(2) Records custodian. (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tennessee Code Annotated, § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

(b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the request or a completed public records request response form.

(c) If a records custodian denies a public record request, he or she shall deny the request in wilting as provided in § 20-203(1)(b)(ii) and may use the public records request response form.

(d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the public records request response form to notify the request or that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

(e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction. (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

(b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

20-204. Inspection of records. (1) There shall be no charge for inspection of public records.

(2) The location for inspection of records within the offices of the Town of Pegram shall be determined by either the PRRC or the records custodian.

(3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

20-205. Copies of records. (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

(2) Copies will be available for pickup at Pegram City Hall.

(3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

(4) A requestor will not be allowed to make copies of records with personal equipment. Under no circumstances will a requestor-provided external storage device or other device be allowed to connect to city hardware or software. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

20-206. Fees and charges and procedures for billing and payment. Fees and charges for copies of public records should not be used to hinder access to public records.

(1) Records custodians shall provide requestors with an itemized estimate of the charges in writing prior to producing copies of records and may require pre-payment of such charges before producing requested records.

(2) When fees for copies and labor do not exceed two dollars ($2.00), the fees may be waived. Requests for waivers for fees above two dollars ($2.00) must be presented to the city recorder, who is authorized to determine if such waiver is in the best interest of the Town of Pegram and for the public good. Fees associated with aggregated records requests will not be waived.

(3) Fees and charges for copies are as follows:

(a) Fifteen cents ($0.15) per page for letter- and legal-size black and white copies.

(b) Fifty cents ($0.50) per page for letter- and legal-size color copies.

(c) Labor when time exceeds one (1) hour.

(d) If an outside vendor is used, the actual costs assessed by the vendor.

(4) No duplication costs will be charged for requests for less than ten (10) pages.

(5) Payment is to be made in cash, personal check, cashier's check or money order payable to the Town of Pegram and presented to the records custodian.

(6) Payment in advance will be required when costs are estimated to exceed twenty dollars ($20.00).

(7) Aggregation of frequent and multiple requests. (a) The Town of Pegram will aggregate record requests in accordance with the frequent and multiple request policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) Method of aggregating:

(i) Records requests will be aggregated at the city level.

(ii) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(iii) Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to, agendas and approved meeting minutes. (as added by Ord. #2017-116, May 2017 ***Ch3_12-05-22***)

ORDINANCE NO. 2002-14

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF PEGRAM TENNESSEE.

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

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

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

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF PEGRAM, TENNESSEE, THAT:

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

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

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said 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 town; any ordinance establishing a social security system or

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

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

Section 5. Penalty clause. Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars ($50.00) 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]

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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.

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

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

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

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

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

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

Section 10. 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, November 21, 2002.

Passed 2nd reading, April 24, 2003.

Glen Kennedy, Mayor
Mayor

Judy Thurmond-Phillips
Recorder

Public Hearing set 11/21/02 for 01/30/03 @ 7PM
" " " for 04/24/03

COPY ORIGINAL