

**THE
RIDGETOP
MUNICIPAL
CODE**

Prepared by the

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

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

May 1995

Change 5
December 19, 2024

CITY OF RIDGETOP, TENNESSEE

MAYOR

Tim Shaw

VICE MAYOR

John Senft

ALDERMEN

Monty Gregory
Kristen Harrison
Kim Martin

RECORDER

Kelly M. Rider

PREFACE

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Bobbie J. Sams, the MTAS Word Processing Specialist who did all the typing on this project, and Tracy G. Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Legal Consultant

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

SECTION 7. Be it further enacted, That all ordinances shall begin; "Be it ordained by the City of Ridgetop:"

Every ordinance shall be read two different days in open session before its adoption, and any ordinance not so read shall be null and void. Every ordinance shall be immediately taken charge of by the city recorder, and by him numbered and copied in an ordinance book and filed and preserved in his office.

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

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

CHAPTER 1

BOARD OF MAYOR AND ALDERMEN²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Board work session.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the third Tuesday of each month at the city hall. For good and sufficient reason, the board of mayor and aldermen may designate an alternate day/date, time, and/or location for any regular or special meeting. Sufficient notice to the public shall be given by posting a notice at city hall and in at least two other public locations in Ridgeway

¹Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Compensation: § 3.

Powers: § 6(a).

Qualifications: § 4(b).

Term of office: § 4(a).

Vacancy in office: § 10(b).

at least three (3) days prior to the meeting date at the alternate day/date, time, and/or location. (Ord. #91-09, Feb. 1991, as amended by Ord. #92-17, Nov. 1992, and replaced by Ord. #2017-106, Feb. 2017 **Ch4_5-21-19**, and Ord. #2021-104, May 2021 **Ch5_12-19-23**)

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

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (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. (1977 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1977 Code, § 1-103, modified)

1-104. Board work session. The board of mayor and aldermen may hold a work session on the third Monday of each month at 6:30 P.M. at the city hall. For good and sufficient reason, the board of mayor and aldermen may designate an alternate day/date, time, and/or location for any regular work session. Sufficient notice to the public shall be given by posting a notice at city hall and in at least two (2) other public locations in Ridgetop at least three (3) days prior to the meeting date at the alternate day/date, time, and/or location.

The work session will allow only discussion of pending and potential issues for consideration by the board of mayor and aldermen. No deliberation or votes, formal or informal, will be taken; no minutes or written or recorded records of the board work session will be taken; no formal agenda will be followed; the regular order of business will not be followed; and there will be no citizens comments, but the meeting will be open to the public. Neither the department heads nor the city attorney will be required to attend the board work sessions unless specifically directed to do so by the mayor or the commissioner in charge of the respective department. (as added by Ord. #99-86,

March 1999, amended by Ord. #2013-103, April 2015 ***Ch4_5-21-19***, and replaced by Ord. #2017-107, Feb. 2017 ***Ch4_5-21-19***)

CHAPTER 2

MAYOR¹

SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1977 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1977 Code, § 1-202)

¹Charter references

Compensation: § 3.

Qualifications: § 4(b).

Term in office: § 4(a).

Vacancy in office: § 10(a).

Veto power: § 4(f).

CHAPTER 3

RECORDER¹

SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

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

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by, and with such surety as may be acceptable to, the board of mayor and aldermen. (1977 Code, § 1-301)

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. (1977 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not assigned by the charter, this code, or the board 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 in such fireproof vault or safe as the board of mayor and aldermen shall provide. (1977 Code, § 1-303)

¹Charter reference
Duties: § 9(b).

Ord. #94-26 adopts by reference Pub. Acts 1994, ch. 648 which requires the city recorder to be certified.

CHAPTER 4

CODE OF ETHICS

SECTION

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities, etc.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etc.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.
- 1-411. Violations.

1-401. Applicability. 1. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (as added by Ord. #2007-102, May 2007)

1-402. Definition of "personal interest." 1. For purpose of §§ 1-403 and 1-404, "personal interest" means:

- a. Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- b. Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- c. Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparents(s), sibling(s), child(ren), or stepchild(ren).

2. The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote of 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. #2007-102, May 2007)

1-403. 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 from voting on the measure. (as added by Ord. #2007-102, May 2007)

1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects 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 city recorder. In addition, the 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. #2007-102, May 2007)

1-405. 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 municipality:

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

2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #2007-102, May 2007)

1-406. 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. #2007-102, May 2007)

1-407. Use of municipal time, facilities, etc. 1. An official or employee may not use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself.

2. An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interest of the municipality. (as added by Ord. #2007-102, May 2007)

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

2. An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality. (as added by Ord. #2007-102, May 2007)

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (as added by Ord. #2007-102, May 2007)

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

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

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

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

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

4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule or regulation, or a civil service policy, rule or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (as added by Ord. #2007-102, May 2007)

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

The City Recorder is directed to send a notice of date of adoption of this MTAS Model Code of Ethics Ordinance to the Tennessee Ethics Commission. (as added by Ord. #2007-102, May 2007)

City of Ridgetop, Tennessee

Disclosure of Personal Interest

This form should be filled out and filed with the recorder or clerk by any municipal employee or official, except those who serve on boards or other bodies, who must exercise discretion relative to any matter and who has a personal interest in the matter. A personal interest is any financial, ownership, or financial interest in a matter to be regulated or supervised by the employee or official that could affect the employee's or official's discretion. This includes any financial, ownership, or employment interest of the employee's or official's spouse, parent(s), step parent(s), grandparents(s), sibling(s), child(ren), or step child(ren). "Employment interest" includes any situation in which the employee or official or one or more of his or her family members designated above is negotiating possible employment with the person or organization that is to be regulated or supervised by the employee or official in carrying out municipal business. Use item 1 of this form to report individual occurrences and item 2 to make a yearly report of situations that will occur more than once during a calendar year.

NAME OF EMPLOYEE OR OFFICIAL: _____

1. Individual occurrence

BRIEFLY DESCRIBE THE SITUATION IN WHICH YOU MUST EXERCISE DISCRETION AND IN WHICH YOU HAVE A PERSONAL INTEREST THAT COULD AFFECT THAT DISCRETION:

2. Continual occurrence

FOR INDIVIDUALS, BUSINESSES, OR ENTITIES THE MUNICIPALITY WILL ENTER INTO TRANSACTIONS WITH MORE THAN ONCE EACH CALENDAR YEAR AND IN WHICH YOU HAVE A PERSONAL INTEREST, YOU MAY MAKE ONE (1) DISCLOSURE FOR THE CALENDAR YEAR BY REPORTING HERE:

Name of Individual, Business, or Entity: _____

Briefly describe the transactions that will take place between the municipality and the named entity during the calendar year in which you will exercise discretion and in which you have a personal interest that could affect that discretion:

Date: _____

Employee's or Official's Signature

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. PARK AND RECREATION BOARD.

CHAPTER 1

PARK AND RECREATION BOARD

SECTION

- 2-101. Established, membership, term, and compensation.
- 2-102. Powers and duties of the mayor and board of aldermen.
- 2-103. Powers and duties of the park advisory board.
- 2-104. Park rules and regulations -- in general.
- 2-105. Permits.
- 2-106. Prohibited uses.
- 2-107. Regulated uses.
- 2-108. Regulation of vehicles.
- 2-109. Enforcement of park rules and regulations.
- 2-110. Meeting times.

2-101. Established, membership, term, and compensation. There is established in the City of Ridgetop, Tennessee, a park and recreation board, which shall consist of nine (9) members, who shall be constituted as follows:

(1) One (1) member shall be a member of the governing body of the city appointed by the board of mayor and alderman. Eight (8) members who shall be appointed by the mayor and board of aldermen.

(2) The said members shall serve at the will of the board of mayor and alderman and shall, initially, be appointed, three (3) for a term of one (1) year; three (3) for a term of two (2) years, and two (2) for a term of three (3) years. The successive appointment shall be for three (3) years. This board shall serve in an advisory capacity to the board of mayor and alderman. Its responsibilities shall be to study and evaluate on-going programs in the area of parks and recreation by the City of Ridgetop, and of possible future programs and activities thereof. It shall make recommendations to the city board of mayor and alderman within these areas, and shall assist the city board of mayor and alderman in promoting such programs and activities as the commission shall espouse. None of the members appointed pursuant to this section shall receive any fee, salary or other emolument for his or her service on this board; provided, however, that, in its discretion, the city board of mayor and alderman may reimburse any member for necessary expenses, when such members has secured prior approval of the board of mayor and alderman for the outlay.

(3) This board shall respond to the requests of the board of mayor and alderman for such projects and studies as the board of mayor and alderman shall deem desirable or necessary.

(4) This board shall meet on call of the chairman, or in regularly scheduled meetings as directed by the board of mayor and alderman. All meetings of the board shall be subject to the public meetings requirements of the law of the State of Tennessee, familiarly known as the "Sunshine" laws. This section may be amended, from time to time, by the city board of mayor and alderman as circumstances dictate, and this board shall have the duty to make recommendations to said board of mayor and alderman as to any such changes or amendments. (Ord. #86-4, Sept. 1986, as amended by Ord. #2006-100, Feb. 2006, and Ord. #2007-108, Nov. 2007, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, Ord. #2011-103, Aug. 2011, Ord. #2012-106, Oct. 2012, Ord. #2013-101, May 2013 *Ch4_5-21-19*, and Ord. #2014-102, April 2014 *Ch4_5-21-19*)

2-102. Powers and duties of the mayor and board of aldermen.

(1) The mayor and board of aldermen shall formulate policy and oversee the operation of the park and recreation system of the City of Ridgetop. The mayor and board of aldermen may delegate such duties to the parks advisory board and city employees as they determine to be necessary.

(2) Unless otherwise denoted, the term "park" shall apply to all parks, playgrounds, community centers, and other recreational areas now owned or hereafter acquired or developed by the City of Ridgetop.

(3) All individual citizens, civic clubs, committees, businesses, special interest groups, charitable organizations or any other entity desiring to use park properties or facilities for any purpose shall seek approval through the city prior to beginning the activity or event. This approval process shall also apply to those organizations with existing or continuing programs, activities, or permissible permanent structures within park properties when these organizations develop, expand, modify, discontinue, or otherwise significantly affect the appearance or usage of park property.

(4) The mayor and board of aldermen shall be responsible for the actual employment and supervision of park employees.

(5) The mayor and board of aldermen shall review, approve, reject or amend the annual budget requests compiled by the park advisory board. (Ord. #86-4, Sept. 1986, as replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-103. Powers and duties of the park advisory board. (1) The park advisory board may recommend to the mayor and board of aldermen the sale or purchase, development and usage of any lands desired to be acquired or disposed of, now owned or used by the City of Ridgetop for the purpose of a city park.

(2) The park advisory board shall have the authority to establish the fees and charges, if any, subject to final approval of the mayor and board of aldermen.

(3) The park advisory board shall be in charge of the management of public parks, playgrounds, and other recreational areas, and of a comprehensive recreational program for the area of the City of Ridgetop. They shall administer the policies of the mayor and board of aldermen, recommend rules and regulations to the mayor and board of aldermen for their consideration, and perform such other duties as may be assigned to them by the mayor and board of aldermen. (as added by Ord. #2008-102, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-104. Park rules and regulations – in general. Copies of park rules and regulations shall be posted in each park location and are presumed to be known and understood by all park users. Also, no person shall in any park disobey the lawful and reasonable order of a police officer or city employee in the discharge of his duties, or disobey or disregard the notices, prohibitions, instructions, or directions posted within the park or park facility. Park rules and regulations contained in this section shall apply as follows:

(1) To anyone performing an act in direct violation of a rule, including anyone who causes, solicits, conspires, or in any way aids in the violation of a rule; or

(2) To anyone who allows or otherwise fails to curtail actions of a minor which violate a rule or regulation; or

(3) To anyone in a supervisory capacity over a group of people who have entered the park premises, with or without proper approval, for any and all actions of the group which violate park rules and regulations. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-105. Permits. (1) A "permit" under this section means any authorization issued by, or under the authority of the city, for a specified park privilege permitting the performance of a specified act in the park.

(2) Any activity or use regulated by these rules § 2-107 may be performed under a permit obtained from the city.

(3) Any activity or use which is specifically prohibited by these rules pursuant to § 2-106 may be performed under a permit obtained from the city after the city has determined that there is an obvious or beneficial community purpose in allowing the activity or use. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-106. Prohibited uses. The following are prohibited:

(1) Vandalism of any park structure or grounds;

- (2) Littering, including placing household garbage in park receptacles;
- (3) Sound truck advertising;
- (4) Disorderly conduct;
- (5) Fireworks and firearms;
- (6) Injuring, harassing, or feeding animals;
- (7) Consuming alcoholic beverages and possession of illegal drugs;
- (8) No piloted aircraft;
- (9) No pets on trails;
- (10) No bikes or motor vehicles on trails. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-107. Regulated uses. The following areas are subject to permit or other restriction:

- (1) Permits must be obtained to reserve park facilities, use park property for any prohibited use, or when otherwise required by this subsection.
- (2) Placing posters and signs is not allowed except by permit.
- (3) Selling of any merchandise is not allowed except by permit.
- (4) Building of fires is not allowed except in grills and by permit.
- (5) Camping is not allowed except by permit.
- (6) Horses are not allowed.
- (7) All pets must be kept on a leash. Any pet found at large may be seized and impounded by the Health Department of Davidson or Robertson Counties.
- (8) No person will be allowed to remain in the park after posted park hours without a permit. Persons will be allowed to enter the park after sunrise and before the park opens either by permit or by entering on foot.
- (9) Open forums may be held either by permit or only at designated areas within the park. Places for open forum: at or near the pavilions at Pioneer Park and Ridgetop Station Park. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-108. Regulation of vehicles. The following regulations apply to vehicle use in park area:

- (1) Regulatory signs must be observed unless directed otherwise by a police officer or park employee.
- (2) No person shall drive a vehicle on a street within any park at a speed greater than is reasonable and prudent under the circumstances. However, the maximum speed limit in all parks is fifteen (15) miles per hour unless otherwise posted.
- (3) Reckless driving is prohibited.

(4) Motorized vehicles are confined to the roads and parking areas and are not to be driven on any turf or trail unless so directed by a police officer or park employee.

(5) Only licensed drivers are to operate motorized vehicles inside the park. Driving lessons are prohibited.

(6) Maintenance of vehicles such as changing oil is prohibited within any park. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-109. Enforcement of park rules and regulations. Compliance with the rules and regulations of this section may be enforced by police officers of the City of Ridgetop and park employees so authorized by the city. However, the enforcement power of authorized park employees will be limited to the issuance of citations, and park employees will not detain or pursue any person suspected of violating a rule or regulation in the event that such person attempts to resist or flee. (as added by Ord. #2008-102, May 2008, and replaced by Ord. #2009-100, May 2009, Ord. #2009-106, Oct. 2009, and Ord. #2012-106, Oct. 2012)

2-110. Meeting times. (1) The City of Ridgetop and recreation advisory board shall determine the time and place for its meeting and shall adopt such rules and regulations as may be necessary for the proper conduct of their affairs.

(2) The first regular meeting of March shall include on the agenda the election and appointment of officers for the current year.

(3) Special meeting may be called by the chairman or upon the request of three (3) members.

(4) All meetings are to be open to the public. Individuals or groups desiring to petition the board for some specific action should present their request to the chairman no later than one (1) week prior to the meeting.

(5) The petitioning individual or group may also appear in person at the meeting to make an oral presentation to the group.

(6) Robert's Rules of Order shall be the parliamentary authority on all matters of procedure concerning the actions of this board. (as added by Ord. #2012-106, Oct. 2012)

TITLE 3

MUNICIPAL COURT¹

CHAPTER

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

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1977 Code, § 1-501)

¹Charter references

Appointment: § 8(b).

Compensation: § 8(b).

Powers: § 9(a).

Vacancy in office: § 8(b).

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties, and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1977 Code, § 1-502)

3-202. Imposition of fines, penalties, and costs. (1) In all cases heard and determined by him to be found guilty, the city judge shall impose court costs, in addition to all fines and penalties, in the amount of sixty dollars (\$60.00) which shall not include the cost of the state and local litigation tax or the one dollar (\$1.00) fee to be forwarded to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks, except for those cases determined to be dismissed with cost.

(2) **Electronic citation regulations and fees.** (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (1977 Code, § 1-508, as amended by Ord. #94-25, April 1994, and Ord. #2008-112, Sept. 2008, replaced by Ord. #2013-103, June 2013 **Ch4_5-21-19**, and amended by Ord. #2014-106, Nov. 2014 **Ch4_5-21-19**)

3-203. Disposition and report of fines, penalties and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the board of mayor and aldermen a report accounting for the collection or non-collection of all fines, penalties, and

costs imposed by his court during the current month and to date for the current fiscal year. (1977 Code, § 1-511)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1977 Code, § 1-512)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1977 Code, § 1-506)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-304. Failure to appear.

3-301. Issuance of arrest warrants.¹ The city judge shall have the power to issue warrants for the arrest of persons charged with violating city ordinances. (1977 Code, § 1-503)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1977 Code, § 1-504)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1977 Code, § 1-505)

3-304. Failure to appear. (1) It is a civil offense for any person in the City of Ridgetop who receives a citation in lieu of arrest for the violation of an ordinance, and signs an agreement and waiver as provided under Tennessee Code Annotated, § 7-63-102, to fail to appear for trial at the time and place designated in the agreement.

(2) Violations of this section shall subject the offender to a fine of up to fifty dollars (\$50.00) for each offense. (as added by Ord. #2006-11, Aug. 2006)

¹State law reference

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

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1977 Code, § 1-507)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.¹ (1977 Code, § 1-509)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1977 Code, § 1-510)

¹State law reference

Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL¹

CHAPTER

1. SOCIAL SECURITY -- CITY PERSONNEL.
2. VACATIONS AND SICK LEAVE -- CITY PERSONNEL.
3. MISCELLANEOUS REGULATIONS -- CITY PERSONNEL.
4. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1

SOCIAL SECURITY – CITY PERSONNEL

SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1977 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations,

¹Ord. #2006-110, as amended by Ord. #2012-102, adopting personnel rules and regulations, and any further amendments, are available in the city recorder's office.

and shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-704)

4-105. Records and reports to be made. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-705)

CHAPTER 2

VACATIONS AND SICK LEAVE -- CITY PERSONNEL

SECTION

- 4-201. Classes of employees.
- 4-202. Applicability of chapter.
- 4-203. Vacation leave.
- 4-204. Sick leave.
- 4-205. Leave records.

4-201. Classes of employees. Employees of the City of Ridgetop shall be classified as follows:

(1) **Regular full-time.** Regular full-time employees shall be defined as individuals employed by the municipal government who are scheduled to work 36 hours or more per week for each work week of the year. Regular full-time employees shall not include elected officials or members appointed to commissions or advisory boards. Regular full-time employees receive full benefits unless specifically excluded by the city charter, codes or ordinances.

(2) **Full part-time.** Full part-time employees are those employees who are scheduled to work at least 24 hours per week or more for each work week of the year.

(3) **Regular part-time.** Regular part-time employees are those employees not working as regular full-time or full part-time employees. Regular part-time employees shall not include elected officials or members appointed to commissions or advisory boards. Regular part-time employees are excluded from all benefits afforded full-time employees. (Ord. #91-10, July 1991)

4-202. Applicability of chapter. This chapter shall apply to all regular full time and all full part-time employees. (Ord. #91-10, July 1991)

4-203. Vacation leave. (1) Regular full-time and full part-time employees who have worked for the municipal government for at least 12 months but less than 15 years, shall be given paid vacation. Annual vacation shall be given at the following rate:

Number of hours in a regularly scheduled work week x 2

(2) Regular full-time and full part-time employees have worked for the municipal government for 15 years or more shall be given paid vacation. Annual vacation shall be given at the following rate:

Number of hours in a regularly scheduled work week x 3

(3) For example, an employee normally scheduled to work 40 hours each week will be given 80 hours of paid vacation each year. An employee who is normally scheduled to work 36 hours per week will be given 72 hours of paid vacation each year. Vacation will be taken at a time approved by the designated commissioner or such other officer as the board of mayor and alderpersons may designate. Upon separation, employees are entitled to be reimbursed for any unused vacation. Employees may not accumulate vacation. (Ord. #91-13, Sept. 1991)

4-204. Sick leave. Regular full-time and full part-time employees shall be given monthly sick leave at the following rate:

Number of hours in a regularly scheduled work week ÷ 5

In no event shall an employee be entitled to accrue more than eight (8) hours of sick leave in any one month. The designated commissioner or the board of mayor and alderpersons may require a doctor's certificate in order to prevent abuse of sick leave privileges. Sick leave may be granted for any of the following reasons:

- (1) Personal illness or physical incapacity resulting from causes beyond the employee's control.
- (2) Exposure to contagious disease so that their presence at work might jeopardize the health of other employees.
- (3) Medical, dental, optical or other professional treatments or examinations.

Upon termination or resignation any unused sick leave shall not be cashed in for compensation. Employees may accumulate a maximum of ninety (90) sick leave days. (Ord. #91-10, July 1991)

4-205. Leave records. The city recorder shall cause to be kept, for each employee of the city, a record currently up-to-date at all times showing the credits earned and leave taken under this chapter. (Ord. #91-10, July 1991)

CHAPTER 3

MISCELLANEOUS REGULATIONS -- CITY PERSONNEL

SECTION

- 4-301. Business dealings.
- 4-302.-4-303. [Repealed.]
- 4-304. Political activity.
- 4-305.--4-306. [Repealed.]
- 4-307. Strikes and unions.
- 4-308. Appointment of commissioners.
- 4-309. Civil Rights Act of 1964.

4-301. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his/her municipal duties, it shall be unlawful for any municipal officer, official or employee to be privately interested in, or to profit, directly or indirectly from business dealings with the city. (Ord. #91-10, July 1991)

4-302.--4-303. [Repealed.] (Ord. #91-10, July 1991, as repealed by Ord. #2007-102, May 2007)

4-304. Political activity. Municipal officers and employees of the City of Ridgetop may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elected officials or to off-duty law enforcement officers acting as private citizens. (Ord. #91-10, July 1991, modified)

4-305.--4-306. [Repealed.] (Ord. #91-10, July 1991, as repealed by Ord. #2007-102, May 2007)

4-307. Strikes and unions. No municipal officer or employee shall participate in any strike against the municipality, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which authorizes the use of strikes by government employees. (Ord. #91-10, July 1991)

4-308. Appointment of commissioners. The mayor shall appoint a member of the board of mayor and aldermen as a commissioner who shall have

full authority to supervise and manage each of the following municipal functions:

<u>Commissioner</u>	<u>For a term of</u>
Taxation	3 years
Road and streets	3 years
Zoning	3 years
Police and fire	3 years
(Ord. #91-10, July 1991)	

4-309. Civil Rights Act of 1964. (1) The attached Title VI Compliance Manual for the City of Ridgetop shall be adopted in its entirety by reference.¹

(2) The following statement shall be deemed as the City of Ridgetop's Title VI policy statement:

"It is the policy of the City of Ridgetop to ensure that no citizen shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (as added by Ord. #2015-104, May 2015 ***Ch4_5-21-19***)

¹The Title VI Compliance Manual for the City of Ridgetop is available in the recorder's office.

CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedule.
- 4-404. Administrative procedures.

4-401. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #93-21, Sept. 1993)

4-402. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

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

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

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

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

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

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

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

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

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #93-21, Sept. 1993)

4-403. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the current state travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #93-21, Sept. 1993)

4-404. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #93-21, Sept. 1993)

TITLE 5

MUNICIPAL FINANCE AND TAXATION

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. PURCHASING REQUIREMENTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 5-101. Official depository for city funds.
5-102. Returned check fee.

5-101. Official depository for city funds. The Farmer's Bank of Ridgetop, Tennessee, is hereby designated as the official depository of all the city funds. (Ord. #89-4, Sept. 1989)

5-102. Returned check fee. A twenty-five dollar (\$25.00) fee be charged for checks returned to the city due to insufficient funds. (as added by Ord. #2004-100, March 2004)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.

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

5-201. When due and payable.¹ Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1977 Code, § 6-201)

5-202. When delinquent--penalty and interest.² All real 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 the state law for delinquent county real property taxes.³ (1977 Code, § 6-202)

¹State law references

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

²Charter and state law reference

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

³Charter and state law references

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

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

CHAPTER 3

PRIVILEGE TAXES

SECTION

5-301. Tax levied.

5-302. License required.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the City of Ridgetop at the rates and in the manner prescribed by the said act, with the following exceptions, and amendments: Class 4 is amended to have the same base rate or minimum tax as classes 1, 2 and 3 of said act. Provided further, that the following fees shall be collected on each business license issued:

(1)	Recording fee	\$1.75
(2)	Collecting fee	\$1.75
(1977 Code, § 6-301)		

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1977 Code, § 6-302)

CHAPTER 4

PURCHASING REQUIREMENTS

SECTION

5-401. Public advertisement and competitive bidding.

5-402. Exemptions.

5-403. Approval of purchases.

5-404. Limits.

5-405. Petty cash.

5-406. Purchasing procedures.

5-401. Public advertisement and competitive bidding. Public advertising and competitive bidding shall be required for the purchase of all goods and services by the City of Ridgetop in the amount of a maximum of \$10,000.00 or more in accordance with Tennessee Code Annotated, § 6-56-306(a), unless otherwise exempted by applicable state or federal statutes. (Ord. #92-18, Jan. 1993, as replaced by Ord. #2003-101, May 2003)

5-402. Exemptions. The following items are expressly exempted from advertisement and bidding according to the Municipal Purchasing Act of 1983:

(1) Purchases costing less than ten thousand dollars (\$10,000.00); provided that this exemption shall not apply to purchases of like items which individually cost less than ten thousand dollars (\$10,000.00), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed ten thousand dollars (\$10,000.00) during any fiscal year;

(2) Purchase of any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product. A record of all such sole source or proprietary purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such sole source or proprietary purchases shall be made as soon as possible to the municipal government body of the municipality and shall include all items of information as required for the record;

(3) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A record of any such emergency purchase shall be made by the person or body authorizing such emergency purchases, and shall specify the amount paid, the items purchased, from whom the purchase was made and the nature of the emergency. A report of any emergency purchase shall be made as soon as possible to the municipal government body and the chief executive

officer of the municipality, and shall include all items of information as required in the record;

(4) Leases or lease-purchase agreements requiring total payments of less than ten thousand dollars (\$10,000.00) in each fiscal year the agreement is in effect, provided this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased with total payments of less than ten thousand dollars (\$10,000.00) in any fiscal year, but which are customarily leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be ten thousand dollars (\$10,000.00) or more in any fiscal year;

(5) Purchases, leases, or lease-purchases of real property;

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

(7) Perishable commodities which are purchased in the open market. A record of all such purchases shall be made by the person or body authorizing such purchases and shall specify the amount paid, the items purchased, and from whom the purchase was made. A report of such purchases shall be made, at least monthly, to the governing body and shall include all items of information as required in the record. Fuel and fuel products may be purchased on the open market without public advertisement, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the Department of General Services's contract where available. (Ord. #92-18, Jan. 1993, as amended by Ord. #2003-101, May 2003)

5-403. Approval of purchases. The purchase of all materials, supplies, equipment and services, purchased under the authority of this chapter shall, unless otherwise provided by law, be purchased in accordance with the following requirements:

(1) Department heads shall have the authority to approve purchases and short-term leases of thirty (30) days or less of no more than one thousand dollars (\$1,000.00) for their respective departments for a single item. These purchases and short-term leases of one thousand dollars (\$1,000.00) or less shall not require public advertisement but whenever possible shall be based on three (3) quotes;

(2) The mayor or board of aldermen who are designated commissioners of department shall have the authority to approve purchases, leases, and lease-purchases of not more than five thousand dollars (\$5,000.00) for their respective departments for a single item and purchases, leases, of five thousand dollars (\$5,000.00) or less shall not require any public advertisement but whenever possible shall be based on three quotes;

(3) Board of alderman who are designated commissioners of departments shall have the authority to approve purchases, leases, and

lease-purchases of not more than ten thousand dollars (\$10,000.00) in actual emergencies as designated under § 5-402(3).

(4) The board of mayor and aldermen, shall have the authority to approve purchases, lease, and lease-purchases of more than five thousand dollars (\$5,000.00) for the City of Ridgetop. Purchases, leases, and lease purchases of more than five thousand dollars (\$5,000.00) and less than then ten thousand dollars (\$10,000.00) for any single item shall be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive quotes.

(5) The board of mayor and aldermen, shall have the authority to approve purchases, leases, and lease-purchases of more than ten thousand dollars (\$10,000.00) for the City of Ridgetop when goods and services are publicly advertised and competitive bidding has been established.

(6) The mayor shall have the authority to approve purchases, leases, and lease-purchases of any amount in actual emergencies as designated under § 5-402(3). (Ord. #92-18, Jan. 1993, as amended by Ord. #2003-101, May 2003, and replaced by Ord. #2022-101, April 2022 *Ch5_12-19-23*)

5-404. Limits. All purchases made from funds subject to the authority of this chapter shall be made within the limits of the approved budget, when required, and the appropriations, when required, for the department, office or agency for which the purchase is made. (Ord. #92-18, Jan. 1993)

5-405. Petty cash. The city recorder shall be responsible for the establishment of a petty cash fund for items that cost \$25 or less, procedures for replacement of funds and distribution of funds. Where possible, receipts for monies shall be submitted to the city recorder within 5 working days of usage in order to receive reimbursement. (Ord. #92-18, Jan. 1993)

5-406. Purchasing procedures. The city recorder shall be responsible for the implementation of uniform purchasing procedures established in accordance with this chapter. (Ord. #92-18, Jan. 1993)

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

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

CHAPTER 1**POLICE DEPARTMENT****SECTION**

- 6-101. Policemen subject to police chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Police department records.
6-104. [Renumbered.]
6-105. [Deleted.]
6-106. [Renumbered.]
6-107. [Renumbered.]

6-101. Policemen subject to police chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1977 Code, § 1-401, as amended by Ord. #2006-114, Oct. 2006)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1977 Code, § 1-402, as amended by Ord. #2006-114, Oct. 2006)

6-103. 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.
- (4) Any other records required to be kept by the board of mayor and aldermen or by law. The police chief shall be responsible for insuring that the

police department complies with the section. (1977 Code, § 1-403, as amended and renumbered by Ord. #2006-114, Oct. 2006)

6-104. [Renumbered.] (1977 Code, § 1-404, as amended and renumbered by Ord. #2006-114, Oct. 2006)

6-105. [Deleted.] (1977 Code, § 1-405, as deleted by Ord. #2006-114, Oct. 2006)

6-106. [Renumbered.] (1977 Code, § 1-406, modified, as amended and renumbered by Ord. #2006-114, Oct. 2006)

6-107. [Renumbered.] (1977 Code, § 1-407, as amended and renumbered by Ord. #2006-114, Oct. 2006)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When policemen to make arrest.

6-202. Disposition of person arrested.

6-203. [Deleted.]

6-201. 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 probable cause to believe the person has committed it. (1977 Code, § 1-601, as amended by Ord. #2006-114, Oct. 2006)

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

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with the applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1977 Code, § 1-602, as amended by Ord. #2006-114, Oct. 2006)

6-203. [Deleted.] (1977 Code, § 1-603, as deleted by Ord. #2006-114, Oct. 2006)

¹Municipal code reference

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

CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

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

6-301. Citations in lieu of arrest in non-traffic cases.¹ 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 codes inspector in the building department as 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 citation in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes inspector in the building department shall have the authority to issue citations in lieu of arrest for the violations of the building, utility and housing codes adopted in the 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. (as added by Ord. #2006-114, Oct. 2006)

¹Municipal code reference

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

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall be as follows: Central business district as shown on the municipal zoning map of Ridgetop, Tennessee. (1977 Code, § 7-101)

¹Municipal code reference

Building, utility and residential codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Regulation and sale of fireworks.
- 7-206. Gasoline trucks.
- 7-207. Variances.
- 7-208. Violations.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,² 2012 edition, as recommended by the International Code Council is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1977 Code, § 7-201, modified, as amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4_5-21-19*)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1977 Code, § 7-202, as replaced by Ord. #2016-104, April 2016 *Ch4_5-21-19*)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Ridgetop, Tennessee. (1977 Code, § 7-203, as replaced by Ord. #2016-104, April 2016 *Ch4_5-21-19*)

¹Municipal code reference

Building, utility and residential codes: title 12.

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

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

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

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

The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, is hereby declared to be the fire limits as set out in § 7-101 of this code. (1977 Code, § 7-204, as amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 *Ch4_5-21-19*)

7-205. Regulation and sale of fireworks. The International Fire Code as adopted by the City of Ridgetop shall be amended only to the extent to allow for the retail sale of fireworks in the City of Ridgetop, with the additional requirements as follows:

(1) If the sale of fireworks is to be housed in a tent, the owner or operator of the retail fireworks business shall file with the building official of the City of Ridgetop a certificate executed by an acceptable testing laboratory certifying that the tent, decorative attachments of any kind to the tent, and tarpaulins meet the requirements for flame resistance prescribed for both the small and large tents as specified in NFPA 701, and that such flame resistance will be effective for the entire period of the permit.

(2) A fireworks tent shall be located in such a manner that all portions of the tent and the fireworks inventory are not more than three hundred feet (300') from an operable standard fire hydrant.

(3) A fireworks tent shall be located in such manner that all portions of the tent and inventory are not closer than one hundred feet (100') to any source of flammable or combustible liquid or gas.

(4) A fireworks tent shall have a minimum of two (2) exits, with at least one (1) exit at each end of the tent for use in an emergency. The emergency exits and all aisles shall be kept free and clear of obstructions at all times while the tent is open for occupancy by the public.

(5) No smoking will be allowed within any fireworks tent or on the premises. No smoking signs will be placed inside and outside of the tent, with at least one sign to be placed on the outside and inside of each side of the tent.

(6) Each fireworks tent shall be equipped with a minimum of three (3) fire extinguishers to be located within the tent, one (1) at each end and one (1) in the middle. The fire extinguishers must of a type approved by the Ridgetop Building Official or Fire Chief and must be a minimum weight of five (5) pounds

and have a current maintenance record. All extinguishers must be secured to tent poles.

(7) No fireworks tent may be located under any utility line, except such line as may be established for the purpose of providing electrical power to the tent.

(8) All other provisions of title 7, chapter 2 of the Ridgeway Municipal Code and of the International Fire Code shall continue in full force and effect unless otherwise amended by the foregoing provisions. (as added by Ord. #2001-106, June 2001, amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 **Ch4_5-21-19**)

7-206. 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. (1977 Code, § 7-205, as renumbered by Ord. #2001-106, June 2001, and replaced by Ord. #2016-104, April 2016 **Ch4_5-21-19**)

7-207. Variances. The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1977 Code, § 7-206, as renumbered by Ord. #2001-106, June 2001, and replaced by Ord. #2016-104, April 2016 **Ch4_5-21-19**)

7-208. Violations. 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 taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1977 Code, § 7-207, as renumbered by Ord. #2001-106, June 2001, amended by Ord. #2012-105, Oct. 2012, and replaced by Ord. #2016-104, April 2016 **Ch4_5-21-19**)

CHAPTER 3

FIRE DEPARTMENT¹

[RESERVED FOR FUTURE USE]

¹The voluntary fire department serving the city is a unit of the Joint Ridgetop and Robertson County Civil Defense Office.

CHAPTER 4

FIREWORKS

SECTION

- 7-401. Definition.
- 7-402. Manufacture prohibited.
- 7-403. Sales restricted.
- 7-404. Permit from state fire marshal required.
- 7-405. City fireworks permit required; permit application; permit required to each location; permit fee; permit not transferable; expiration of permit.
- 7-406. Permit revocation.
- 7-407. Business license required for each site: zoning compliance required.
- 7-408. Separate sales tax number required.
- 7-409. Certificate of insurance required.
- 7-410. Standards for seasonal sale of fireworks.
- 7-411. Use restricted.
- 7-412. Public display: permit required.
- 7-413. Seizure authorized.
- 7-414. Exceptions.
- 7-415. Penalty for violation.
- 7-416. Severability.

7-401. Definition. Fireworks means and shall include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosive, deflagration, or detonation. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-402. Manufacture prohibited. No person or firm shall manufacture any fireworks within the corporate limits of the City of Ridgetop. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-403. Sales restricted. It shall be unlawful to sell, or offer for sale, fireworks within the corporate limits of the City of Ridgetop except in compliance with the provisions of this chapter, and the provisions of Tennessee Code Annotated, title 68, chapter 104, §§ 101 through 116. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-404. Permit from state fire marshal required. It shall be unlawful to sell, or offer for sale, ship or cause to be shipped into the City of Ridgetop any item of fireworks without a permit from the state fire marshal. All fireworks permits shall be issued in compliance with the fire code and Tennessee Code

Annotated, title 68, chapter 104, §§ 101 through 116 inclusive. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-405. City fireworks permit required; permit application; permit required to each location; permit fee; permit not transferable; expiration of permit. (1) It shall be unlawful to sell, or offer for sale, or cause to be shipped into the City of Ridgetop any item of fireworks without a city fireworks permit issued by the City of Ridgetop Codes Administrator.

(2) An application for a city fireworks permit shall be completed and submitted to the codes administrator no later than two (2) working days prior to the date the applicant desires to begin making sales. The application shall contain and include the following information:

(a) Name, address and telephone number of applicant; the applicant's name shall also be the same as the name on the state fire marshal permit;

(b) Location where the sale of fireworks is proposed;

(c) Site plan, which shall include the dimensions of the structure used for the sale of fireworks;

(d) A copy of the state fire marshal permit as required under § 7-404 of this chapter;

(e) Confirmation of business license for site and zoning compliance as required under § 7-407 of this chapter;

(f) Documentation of separate sales tax number as required by § 7-408 of this chapter; and

(g) Documentation of certificate of insurance as required under § 7-409 of this chapter.

(3) A separate city fireworks permit is required for each location at which fireworks will be sold.

(4) The fee for the city fireworks permit shall be one thousand dollars (\$1,000.00) for any structure or any tent, trailer or other temporary structure used for the sale of fireworks.

(5) City fireworks permits shall not be transferable.

(6) All city fireworks permits shall be for one (1) seasonal sales period only. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-406. Permit revocation. The Ridgetop Code Administrator shall be authorized to revoke any city fireworks permit upon failure to correct any of the following conditions within twenty-four (24) hours after written notice given by the codes administrator:

(1) The permittee or the permittee's operator violates any lawful rule, regulation, or order of the Ridgetop Zoning and Planning Commission.

(2) The permittee's application contains any false or untrue statements.

(3) The permittee fails to timely file and/or pay any report, tax, fee, fine or charge.

(4) The permittee or the permittee's operator violates any provisions of this chapter or of Tennessee Code Annotated, title 68, chapter 104, §§ 101 through 116. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-407. Business license required for each site: zoning compliance required. The Ridgetop Code Administrator shall issue no permit for the sale of fireworks unless the applicant has first obtained a Tennessee business license from the Ridgetop City Clerk for each site at which fireworks will be sold. Temporary sales vendor's permit, bonds, and fees shall not apply for the sale of fireworks. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-408. Separate sales tax number required. A separate sales tax number shall be required for each site at which fireworks will be sold. The Ridgetop Codes Administrator shall issue no permit for the sale of fireworks unless the applicant has first provided documentation that a separate sales tax number has been obtained for the site of the proposed sale of fireworks. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-409. Certificate of insurance required. The Ridgetop Codes Administrator shall not issue a permit for the sale of fireworks unless the applicant has first obtained a current certificate of insurance with a minimum of one million dollars (\$1,000,000.00) in product liability and one million dollars (\$1,000,000.00) in general liability with the City of Ridgetop being named as an additional insured on the general liability insurance policy. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-410. Standards for seasonal sale of fireworks. The following standards shall apply for seasonal sale of fireworks within the corporate limits of the City of Ridgetop:

(1) Seasonal sales of fireworks shall only be permitted from the sales period extending from June 20 through July 5, and from December 10 through January 2.

(2) Seasonal sales of fireworks shall be conducted in compliance with the provisions of the City of Ridgetop Municipal Code.

(3) The sale of fireworks shall be conducted on:

(a) Any approved lot, within any zoning district located solely on State Route Highway 41 (SR41) and that has a driveway or TDOT approved curb cut for safe ingress and egress.

(b) There shall be one (1) tent or similar temporary structure located on one (1) approved lot.

(c) The tent or similar temporary structure shall be located no closer than thirty feet (30') to the nearest building.

(4) All tents or similar temporary structures used for seasonal sale of fireworks shall be composed entirely of fire retardant materials and shall be located on paved, concrete, gravel surface, or grassy area if cut/mowed to no more than one inch (1") in height within the structure area and to a boundary of a minimum of twenty feet (20') surrounding the entire structure.

(5) All tents or similar temporary structures used for seasonal sale of fireworks shall provide an emergency exit remote from the point of entrance, at the opposite end from the entrance. Tents shall be enclosed on no more than two (2) sides during times that customers are present.

(6) The site utilized for seasonal sale of fireworks shall be a minimum of two hundred feet (200') from any fuel source such as motor fuel pump dispensers, retail propane dispensers, above ground storage tanks containing flammables, or CNG dispensers.

(7) The seasonal sale of fireworks shall be restricted to DOT Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. The sale of "bottle" rockets with explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(8) No person shall smoke within fifty feet (50') of an area where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, or pipes within fifty feet (50') of where fireworks are offered for sale. At all places where fireworks are stored or sold, there shall be posted at each entrance signs with the words "Fireworks--No Smoking" in letters not less than four inches (4") high on a contrasting background.

(9) A minimum of two (2) ten (10) pound ABC fire extinguishers shall be present at each site where fireworks are sold.

(10) Extension cords and wiring, when used outdoors, must be listed for wet locations, and be protected against physical damage. (2008 NFPA 70, 525-20 (A))

(11) Ground fault circuit interrupter protection must be used for power cords that supply power to tents and other outside locations. (2008 NFPA 70, 525-23)

(12) Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by suitable fixture or guard. (2008 NFPA 70, 525-21 (B))

(13) Heating devices must be listed and used in accordance with their listings. Temporary heating shall have overheat and tip over protection devices. (2006 NFPA 1124, 7.3.17.2)

(14) Portable generators and their fuel shall be located no less than twenty feet (20') from the tent or similar temporary display structure.

(15) Cooking equipment shall be located no less than twenty feet (20') from tent or similar temporary display structure. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-411. Use restricted. The following restrictions shall apply for the use of fireworks within the corporate limits of the City of Ridgetop:

(1) Except as permitted under § 7-412 of this chapter, the use of fireworks shall be restricted to DOT Class C common fireworks as defined by Tennessee Code Annotated, title 68, chapter 104. The use of "bottle" rockets with an explosive cartridge under the size of two inches (2") in length is expressly prohibited.

(2) It shall be unlawful to use or explode any fireworks within the corporate limits of the City of Ridgetop except during the periods extending from June 20 through July 5, and from December 10 through January 2.

(3) It shall be unlawful to use or explode fireworks within the corporate limits of the City of Ridgetop earlier than 9:00 A.M. or later than 10:00 P.M. during the periods defined above in section § 7-411(2) with the exception of July 4 and December 31 on which the time shall be no later than 12:30 A.M., January 1.

(4) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age.

(5) It shall be unlawful to offer for sale or to sell any fireworks to any intoxicated or seemingly irresponsible person.

(6) It shall be unlawful to explode or ignite fireworks on or onto another person's property unless permission is obtained from the owner or occupant of said property.

(7) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, funeral home, public or private school, or within two hundred feet (200') of where fireworks are stored, sold or offer for sale.

(8) It shall be unlawful to ignite or discharge fireworks from within a motor vehicle. It shall be 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 persons. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-412. Public display: permit required. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public display by holders of a permit for public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks that are to be used for public display only and which are otherwise prohibited for sale and use within the City of Ridgetop shall include display shells designed to be fired from mortars and display set pieces of fireworks classified as DOT 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 competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such display

issued by the state fire marshal. A condition for state issuance of a permit for public fireworks display is the approval of the chief official of the fire and police departments of the city. Such approval shall be granted if, in the opinion of those officials, the proposed display will be located and supervised in conformity with state law and will not be hazardous to life or property. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-413. Seizure authorized. The codes administrator or his designee shall seize, take, remove or cause to be removed at the expense of the owner of all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-414. Exceptions. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, the use of fireworks for military operations, or for public displays of fireworks meeting the requirements of the fire code. In addition, the codes administrator may, at any time, authorize the restricted use of DOT Class C common fireworks for public health purposes in order to disperse flocks of blackbirds and other bird pests. A permit for the restricted use of fireworks for public health purposes shall be issued and signed by the code administrator or his or her designee before the approved fireworks can be discharged. The permitted fireworks shall be handled and discharged by a competent person approved by the codes administrator or his or her designee. The duration of the permit and the quantity of the permitted fireworks shall be the minimum needed to accomplish the public health purpose. The permitted fireworks shall be located and discharged in a manner that shall not be dangerous to persons or hazardous to property. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-415. Penalty for violation. The violation of any part of this chapter is hereby declared to be a misdemeanor and upon conviction of any person for such violation, that person is to be fined according to the general penalty provision of this municipal code. Each subsequent day that any violation continues unabated shall constitute a separate offense. In addition, the codes administrator may refuse to issue another city fireworks permit to the holder of a permit so convicted for a period not to exceed two (2) years. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

7-416. Severability. If any court of competent jurisdiction declares any portion of these regulations to be invalid, that ruling shall not affect any other portion not specifically included in that ruling. (as added by Ord. #2008-105, May 2008, and replaced by Ord. #2012-107, Oct. 2012)

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER****1. INTOXICATING LIQUORS.****CHAPTER 1****INTOXICATING LIQUORS****SECTION****8-101. Prohibited generally.**

8-101. Prohibited generally. Except as authorized by applicable laws and/or ordinances², it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within this city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. (1977 Code, § 2-101)

¹State law reference
Tennessee Code Annotated, title 57.

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

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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

CHAPTER 1

PEDDLERS, ETC.²

SECTION

- 9-101. Permit required.
- 9-102. Exemptions.
- 9-103. Application for permit.
- 9-104. Issuance or refusal of permit.
- 9-105. Appeal.
- 9-106. Bond.
- 9-107. Loud noises and speaking devices.
- 9-108. Use of streets.
- 9-109. Exhibition of permit.
- 9-110. Policemen to enforce.
- 9-111. Revocation or suspension of permit.
- 9-112. Reapplication.
- 9-113. Expiration and renewal of permit.

9-101. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

²Municipal code reference

Privilege taxes: title 5.

provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1977 Code, § 5-201)

9-102. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1977 Code, § 5-202)

9-103. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.
- (7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.
- (8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.
- (9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1977 Code, § 5-203)

9-104. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city

recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1977 Code, § 5-204)

9-105. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1977 Code, § 5-205)

9-106. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1977 Code, § 5-206)

9-107. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1977 Code, § 5-207)

9-108. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1977 Code, § 5-208)

9-109. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1977 Code, § 5-209)

9-110. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1977 Code, § 5-210)

9-111. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

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

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

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1977 Code, § 5-211)

9-112. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1977 Code, § 5-212)

9-113. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee

applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1977 Code, § 5-213)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1977 Code, § 5-301)

9-202. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1977 Code, § 5-302)

9-203. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1977 Code, § 5-303)

9-204. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1977 Code, § 5-304)

CHAPTER 3

TAXICABS¹

SECTION

- 9-301. Taxicab franchise and privilege license required.
- 9-302. Requirements as to application and hearing.
- 9-303. Liability insurance or bond required.
- 9-304. Revocation or suspension of franchise.
- 9-305. Mechanical condition of vehicles.
- 9-306. Cleanliness of vehicles.
- 9-307. Inspection of vehicles.
- 9-308. License and permit required for drivers.
- 9-309. Qualifications for driver's permit.
- 9-310. Revocation or suspension of driver's permit.
- 9-311. Drivers not to solicit business.
- 9-312. Parking restricted.
- 9-313. Drivers to use direct routes.
- 9-314. Taxicabs not to be used for illegal purposes.
- 9-315. Miscellaneous prohibited conduct by drivers.
- 9-316. Transportation of more than one passenger at the same time.
- 9-317. Fares.

9-301. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the city and has a currently effective privilege license. (1977 Code, § 5-401)

9-302. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the chief of police may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab

¹Municipal code reference
Privilege taxes: title 5.

service; present the application to the governing body; and make a recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the board of mayor and aldermen shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1977 Code, § 5-402)

9-303. Liability insurance or bond required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in an amount equal to that required by the state's financial responsibility law as set out in Tennessee Code Annotated, title 55, chapter 12. The insurance policy or bond required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the recorder of the city. (1977 Code, § 5-403)

9-304. Revocation or suspension of franchise. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1977 Code, § 5-404)

9-305. Mechanical condition of vehicles. It shall be unlawful for any person to operate any taxicab in the city unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear view mirror, all of which shall conform to the requirements of state motor vehicle law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1977 Code, § 5-405)

9-306. Cleanliness of vehicles. All taxicabs operated in the city shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week

they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1977 Code, § 5-406)

9-307. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. (1977 Code, § 5-407)

9-308. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1977 Code, § 5-408)

9-309. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

- (1) Makes written application to the chief of police.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the city who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1977 Code, § 5-409)

9-310. Revocation or suspension of driver's permit. The board of mayor and aldermen, after a public hearing, may revoke or suspend any taxicab driver's permit for violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-309. (1977 Code, § 5-410)

9-311. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the city for the purpose of obtaining patronage for their cabs. (1977 Code, § 5-411)

9-312. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1977 Code, § 5-412)

9-313. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1977 Code, § 5-413)

9-314. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1977 Code, § 5-414)

9-315. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise unreasonably disturb the peace, quiet and tranquility of the municipality in any way. (1977 Code, § 5-415)

9-316. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1977 Code, § 5-416)

9-317. Fares.¹ The taxicab fares for taxicabs transporting passengers within the corporate limits of the City of Ridgetop shall be established by the board of mayor and aldermen by ordinance from time to time as the need for change may arise. (1977 Code, § 5-417)

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

CHAPTER 4

POOL ROOMS¹

SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-403. Minors to be kept out; exception.

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1977 Code, § 5-501)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1977 Code, § 5-502)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian, or other person having legal control of such minor; or if the minor be in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that this section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1977 Code, § 5-503)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 5

CABLE TELEVISION

SECTION

9-501. To be furnished under franchise.

9-501. To be furnished under franchise. Cable television service shall be furnished to the City of Ridgetop and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Ridgetop and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #2021-113, January 2022, in the office of the city recorder.

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

1. IN GENERAL.
2. DOGS AND CATS.
3. VICIOUS DOGS.
4. REPEALED.

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

- 10-101. Running at large prohibited.
- 10-102. Animals prohibited.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. [Deleted.]
- 10-107. Seizure and disposition of animals.
- 10-108. [Deleted.]

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, 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. (1977 Code, § 3-101, as amended by Ord. #2006-116, Nov. 2006)

10-102. Animals prohibited. It shall be unlawful for any person to keep hogs, cows, swine, sheep, horses, mules, goats, llamas, emus, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle or livestock within the corporate limits unless the property is zoned agriculture and contains five (5) or more acres.

This section shall not be applicable to property used to keep the aforementioned animals as of the effective date of the enactment of this chapter. The keeping of said animals shall be treated as a non-conforming use and authorized by the Ridgetop Zoning Ordinance. At such time as the property ceases to be used to keep said animals, this section shall be applicable to said property. (1977 Code, § 3-102, as amended by Ord. #2006-116, Nov. 2006)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1977 Code, § 3-103, as amended by Ord. #2006-116, Nov. 2006)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. (1977 Code, § 3-104, as amended by Ord. #2006-116, Nov. 2006)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1977 Code, § 3-105, as amended by Ord. #2006-116, Nov. 2006)

10-106. [Deleted.] (1977 Code, § 3-106, as amended by Ord. #2006-116, Nov. 2006, and deleted by Ord. #2006-119, Jan. 2007, and Ord. #2018-102, May 2016 *Ch4_5-21-19*)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the governing body. 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. The notice shall state that the impounded animal or fowl must be claimed within seven (7) 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. (1977 Code, § 3-107, as amended by Ord. #2006-116, Nov. 2006)

10-108. [Deleted.] (1977 Code, § 3-108, as deleted by Ord. #2006-116, Nov. 2006)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Definitions.
- 10-202. Vaccinations.
- 10-203. Dogs not allowed at large--exception.
- 10-204. Impoundment; redemption by owner.
- 10-205. Disposition of unlicensed or unclaimed dogs/cats.
- 10-206. Confinement of dogs/cats which have bitten persons, are suspected of having rabies, etc.
- 10-207. Authority to impound dogs/cats.
- 10-208. Interfering with police officers or health department officials.
- 10-209. Collection and disposition of fees.
- 10-210. Noisy pets prohibited.
- 10-211. Law enforcement work dogs.

10-201. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Owner." Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his care, or acts as its custodian, or who permits a dog or cat to habitually remain on or about any premises occupied by that person.

(2) "Vaccination." The process whereby an animal is immunized against rabies using a vaccine and a technique approved by the board of health.

(3) "City veterinarian." Person employed or hired on a contract basis by the City of Ridgetop who meets the standards of Veterinary Medicine for the State of Tennessee. (1977 Code, § 3-201, as amended by Ord. #2006-116, Nov. 2006)

10-202. Vaccinations. (1) Vaccinations of dogs or cats required. It shall be unlawful for any owner to keep, harbor or permit to remain on or about any premises any dog or cat over six (6) months of age which has not been vaccinated against rabies as required by the board of health. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such a vaccination, and such certificate shall be kept by the person who owns, keeps, harbors such dog or cat, subject to the inspection of the animal control and police department.

(2) Standard for vaccine and vaccination. It shall be the duty of the veterinarian, duly licensed by the state board of veterinary medical examiners and approved by the board of health, to administer such a vaccination and to perform such vaccination in such a manner as meets the standards of State

Board of Veterinary Medical Examiner. (1977 Code, § 3-202, as amended by Ord. #2006-116, Nov. 2006)

10-203. Dogs not allowed at large--exception. (1) It is unlawful for any person to allow a dog belonging to or under the control of such person, or that may be habitually found on premises occupied by the person or immediately under the control of such person, to go upon the premises of another, or upon a highway or upon a public road or street, provided, that this section shall not apply to a dog on a hunt or chase, or on the way to or from a hunt or chase, nor a dog guarding or driving stock, or on the way for that purpose, nor to a dog being moved from one place to another, by a person owning or controlling a dog provided, however, that the foregoing exemptions shall not apply unless all damages done by dogs therein exempted, to the person or property of another, shall be paid or tendered to the person so damaged, or to the person's agent, within thirty (30) days after the damage is done.

(2) Any dog found running at large or any dog or cat found without a proper rabies tag may be seized by the proper authorities of the animal control and police departments. Any owner whose dog is found to be running at large or whose dog or cat has not been vaccinated against rabies, shall be guilty of a violation.

(3) When any person is charged with a violation of this section, the animal control officer, or his designated representative, is hereby authorized to issue a citation for such violation. When a citation is issued for a violation of this section, it shall be the duty of the court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him.

(4) Notwithstanding the foregoing paragraph, any person so cited for a violation of this section may elect to pay a fine of one hundred dollars (\$100.00), for the first offense; two hundred fifty dollars (\$250.00) for the second offense; and five hundred dollars (\$500.00), for the third and any subsequent offense, prior to the court date, in lieu of appearing in court. (1977 Code, § 3-203, as amended by Ord. #2006-116, Nov. 2006)

10-204. Impoundment; redemption by owner. When any dog is found running at large or when any dog or cat is found without a proper rabies tag it shall be impounded, and the owner, if the dog/cat bears a tag of identification, shall be sent by mail a postcard addressed to the last known mailing address or notified in person, to appear within five (5) days and redeem his dog/cat, or the same will be disposed of. If the owner appears to redeem his dog/cat, he shall pay for each dog/cat so seized and impounded an impoundment fee of thirty dollars (\$30.00) and a boarding fee of ten dollars (\$10.00) per day for each day or fraction thereof the dog/cat remains unclaimed. If the dog/cat so seized has not been vaccinated, the owner shall, before he is permitted to regain

possession of such dog/cat, have such dog/cat vaccinated and licensed and present the license registration to the animal control authority. No impounded dog shall be released without wearing a collar and a leash.

The payment of this fee, however, and the delivery of the dog/cat to the owner shall not relieve the owner from any other penalty for the violation of this chapter. If the owner does not appear after notice has been mailed to him, or if after appearing, declines to pay the fee as set out above and redeem his dog/cat then the dog/cat shall be disposed of, in accordance with § 10-205. (1977 Code, § 3-204, as amended by Ord. #2006-116, Nov. 2006)

10-205. Disposition of unlicensed or unclaimed dogs/cats. (1) It shall be the duty of the animal control officer to keep all dogs/cats so impounded for a period of two (2) days. If, at the expiration of two (2) days from the date notice is mailed to the owner of any dog found running at large, or any dog or cat is found without a proper rabies tag, such dog/cat shall not have been redeemed or claimed or at the expiration of two (2) days from the date of seizure of any unlicensed dog/cat, required by law to be licensed, such dog/cat may be disposed of as follows:

(a) Whenever any research institution shall apply to the department of health for permission to use for research purposes any impounded dogs/cats remaining unclaimed, the chief medical director may, at his discretion, sell to the institution such unclaimed dogs/cats as it has requested; provided the board of mayor and aldermen shall determine the fee to be paid by such institution.

(b) Whenever any individual shall apply to the animal control department for permission to adopt or buy any impounded dog/cat remaining unclaimed, the director may sell to the individual such unclaimed dogs/cats or surrender such dogs/cats to the individual for adoption upon a payment of a fee set by the board and mayor of aldermen.

All animals adopted from the shelter shall be vaccinated against rabies, and spayed or neutered by a licensed veterinarian. The new owner shall sign a written agreement with the City of Ridgetop stating that the new owner shall have the dog or cat spayed or neutered by a licensed veterinarian, within thirty (30) days of the date of adoption, if such dog or cat is sexually mature, or within thirty (30) days after the dog or cat reaches six (6) months of age, if the dog or cat is not sexually mature at the time of adoption. The cost of these services shall be paid for by the person(s) adopting the animal. If the dog or cat being adopted has not been spayed or neutered the City of Ridgetop shall require a deposit of twenty-five dollars (\$25.00) from the new owner prior to the adoption in order to ensure that the dog or cat is spayed or neutered. The new owner may request and shall receive a refund of the deposit from the agency upon providing confirmation of the spaying or neutering. The city may

waive the twenty-five dollar (\$25.00) deposit for an animal sanctuary that adopts a dog or cat and that operates under a policy to require animals to be spayed or neutered.

If the new owner fails to have the dog or cat spayed or neutered within the time frame established or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within an additional ten (10) days after the date by which the spaying or neutering is required to be performed, such deposit shall be forfeited to the City of Ridgetop and shall be used by the City of Ridgetop to conduct programs to spay or neuter dogs and cats and/or to conduct educational programs in support of the spaying or neutering of dogs and cats.

All animals adopted shall have a collar and leash, either furnished or purchased by the person adopting the animals, when they leave the animal shelter.

(c) Whenever any dogs/cats remain unclaimed, such dogs/cats may be destroyed in a manner to be determined by the city. Any person who does not desire to pay the license fee, provided by this chapter upon any dog/cat owned, kept or harbored on premises owned by him, shall bring such dog to the pound operated by the City of Ridgetop to be disposed of.

Any unidentified dog/cat, which the animal control officer, upon the advice of the city veterinarian determines to be suffering from rabies or other infectious or dangerous diseases or to be in misery, need not be released but may be disposed of immediately.

Nothing in this part shall be construed to authorize constructed to authorize the Ridgetop City Hall to spay or neuter a dog or cat, if such dog or cat is being claimed by and returned to its lawful owner. (1977 Code, § 3-205, as amended by Ord. #2006-116, Nov. 2006)

10-206 Confinement of dogs/cats which have bitten persons, are suspected of having rabies, etc. If any animal has bitten any person, or is suspected of having bitten any person, or is for any reason suspected of being infected with rabies, the animal control officer may cause the animal to be confined or isolated for, such time as it is deemed necessary by the city veterinarian to protect the safety of people and of property, such confinement or isolation shall be a place designated by the animal control officer or health department. (1977 Code, § 3-206, as amended by Ord. #2006-116, Nov. 2006)

10-207. Authority to impound dogs/cats. All police officers and animal control officers or other duly authorized person shall have the right to take up and put into pound of the City of Ridgetop any dog/cat found in violation of any provision of this chapter. (1977 Code, § 3-207, as amended by Ord. #2006-116, Nov. 2006)

10-208. Interfering with police officers or health department officials. It shall be unlawful for any person to interfere with or hinder any police officer or any official of the health department, including the animal control officer, in the discharge or apparent discharge of this duty in enforcing the provisions of this chapter. (as added by Ord. #2006-116, Nov. 2006)

10-209. Collection and disposition of fees. It shall be the duty of the city clerk to collect all fees imposed under this chapter. The city manager shall appoint certain officials as may be necessary to work in cooperation with and under the supervision of the director of finance to establish and prescribe sound accounting procedures and to further prescribe the times and manner in which the fees received shall be deposited in the general fund. (as added by Ord. #2006-116, Nov. 2006)

10-210. Noisy pets 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. (as added by Ord. #2006-116, Nov. 2006)

10-211. Law enforcement work dogs. The provisions of this chapter do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. (as added by Ord. #2006-116, Nov. 2006)

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definitions.

10-302. Vicious dogs prohibited.

10-303. Impoundment; proceedings against owner.

10-301. Definition. For this purpose of this chapter, the following terms shall have the following meanings:

(1) "Confined" shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet.

(2) "Vicious dog" shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation, or any dog owned or harbored primarily or in part for the purpose of fighting. (as added by Ord. #2006-116, Nov. 2006)

10-302. Vicious dogs prohibited. Is shall be unlawful for any person to keep or harbor a vicious dog within the area of the City of Ridgetop unless the vicious dog is confined. (as added by Ord. #2006-116, Nov. 2006)

10-303. Impoundment; proceedings against owner.

(1) Impoundment. Any vicious dog may be taken into custody by the appropriate authorities of the Ridgetop Police Department and impounded. The fees imposed shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of the City of Ridgetop in impounding the dog.

(2) Court proceeding against owner. If any vicious dog is impounded, the appropriate authorities of the Ridgetop Police Department may institute proceedings in the Ridgetop City Court against the owner charging the owner with violation of this division. Nothing in this section shall be construed as preventing appropriate authorities of the Ridgetop government or a complaining citizen from instituting a proceeding in the Ridgetop City Court for violation of this division where there has been no impoundment.

(3) Court findings. If a complaint has been filed in the Ridgetop City Court against the owner of a dog for violation of this division, the dog shall not be released from impoundment or disposed of except on order of the court,

payment of all charges and costs under this chapter, including penalties for violating this chapter. The court may, upon making a finding that the dog is a vicious dog pursuant to this chapter, order the dog to be destroyed in an humane manner by the department of health. (as added by Ord. #2006-116, Nov. 2006)

CHAPTER 4

REPEALED

(this chapter was repealed by Ord. #2017-108, March 2017 *Ch4_5-21-19*)

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

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

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption. (1977 Code, § 10-229)

11-102. Minors in beer places. No person under twenty-one (21) years of age shall loiter in or around, work in, or otherwise frequent any place where

¹Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

beer is sold at retail for consumption on the premises. (1977 Code, § 10-222, modified)

CHAPTER 2**FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1977 Code, § 10-234, modified)

CHAPTER 3

DELETED

(this chapter was deleted by Ord. #2006-119, Jan. 2007)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. 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. (1977 Code, § 10-202)

11-402. Anti-noise regulations. (1) Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standard S1.4-1983 (R 1997). The level so read is designated dB(A).

(b) "Ambient noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

(c) "City" means City of Ridgely.

(d) "Commercial use" means activity within or upon a premise where offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use, as set forth below.

(e) "dB(A)" means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

(f) "Impulsive sound" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(g) "Industrial use" means any activity within or upon a premise where manufacturing, processing or fabrication of goods or products takes place.

(h) "Motor vehicle" means any motor required to be registered by the Department of Safety for the State of Tennessee, pursuant to title 55 of the Tennessee Code Annotated.

(i) "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

(j) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include real property leased to any non-governmental entity for residential, commercial or industrial use, as defined herein.

(k) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intra-building real property divisions.

(l) "Residential use" means any premises lawfully used for human habitation under the ordinances of the City of Ridgetop and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities. For purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(m) "Sound pressure" means the average rate at which sound energy is transmitted through a unit area in a specified direction.

(n) "Sound pressure level meter" means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dB(A) scale.

(2) Standards. (a) No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards:

(i) Residential use. (A) When the offending sound emanates from a residential use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of sixty-five (65) dB(A), or impulsive sound which has an A-weighted sound pressure level of eighty (80) dB(A).

(B) When the offending sound emanates from a residential use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure level of sixty (60) dB(A), or impulsive sound which has an A-weighted sound pressure level of eighty (80) dB(A).

(ii) Commercial use. (A) When the offending sound emanates from a commercial use between the hours of 7:00 A.M. and 12:00 midnight, sound which has an A-weighted sound pressure level of eighty (80) dB(A), or impulsive sound which as an A-weighted sound pressure level of eighty (80) dB(A).

(B) When the offending sound emanates from a commercial use between the hours of 12:00 midnight and 7:00 A.M., sound which as an A-weighted sound pressure

level of seventy-five (75) dB(A), or impulsive sound which has an A-weighted sound pressure level of eighty (80) dB(A).

(iii) Industrial use. When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of eighty (80) dB(A).

(b) No person shall cause, suffer, allow or permit from any source within a public premise any airborne sound which, when measured from the source of the sound, has an A-weighted sound pressure level in excess of sixty-five (65) dB(A), or any impulsive sound which has an A-weighted sound pressure level of eighty (80) dB(A). This subsection shall not apply to legitimate government operations.

(c) Sound, whether continuous or impulsive, shall be measured at approximately five feet (5') above grade, using a slow meter response setting and using a windscreen when appropriate.

(3) Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises. (a) Consistent with other provisions of this section, and in addition thereto, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(b) The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

- (i) The frequency of the noise;
- (ii) The intensity of the noise;
- (iii) Whether the nature of the noise is usual or unusual;
- (iv) Whether the origin of the noise is natural or unnatural;
- (v) The frequency and intensity of the ambient noise, if any;
- (vi) The proximity of the noise to residential sleeping facilities;
- (vii) The nature and land use of the area within which the noise emanates;
- (viii) The population density of the inhabitation of the area within which the noise emanates;
- (ix) The time of the day the noise occurs;
- (x) The duration of the noise; and
- (xi) Whether the noise is recurrent, intermittent, or constant.

(c) The following acts, among others, are declared to be unreasonably loud, unusual or unnecessary noises in violation of this section, even if the noises referred to do not violate the noise level standards set forth in this section.

(i) Horns and signaling devices on vehicles. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicles 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 signaling device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

(iv) Drums and other attention-attracting devices. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(v) Sound trucks. The use or operation on or upon the public streets in the city or on driveways or throughways owned by or leased to the City of Ridgetop of any device known as a sound truck, or any loudspeaker, sound amplifier or other instrument of any kind or character which emits therefrom loud raucous noises and is attached to and upon any vehicle operated or standing upon the city streets or on driveways or throughways owned by or leased to the City of Ridgetop.

(vi) Defect in vehicle or noisy load. The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(vii) Pneumatic devices. The use of any mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(4) Noise from motor vehicle audio equipment. Consistent with other provisions of this section, and in addition thereto, no person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City of Ridgetop,

property owned by or leased to the City of Ridgetop, or within a public park, within a public parking lot or on any other public premise within the city, which is audible to a person of normal hearing sensitivity more than fifty feet (50') from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet (50') outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be audible, and said sound shall include bass reverberation.

(5) Continuing violations. Each violation of this section shall be considered a separate offense, and any violation continuing more than one-half (1/2) hour or recurring within one-half (1/2) hour shall be considered a separate offense for each half hour of violation.

(6) No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(7) Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

(a) Any vehicle of the city or a public utility while engaged in necessary public business.

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

(c) Emergency activities of the city, the county, or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.

(d) Any special event authorized by the city pursuant to the law, rules and regulations of the city.

(e) Excavation, construction, demolition, repair, paving or alteration of buildings or streets. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use between the hours of 7:00 P.M. and 7:00 A.M. except in case of urgent necessity in the interest of public health and safety, and then only with permission from the building or zoning inspector. If the building or zoning 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 7:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 7:00 P.M. and 7:00 A.M. upon request being made at the time the permission for the work is awarded or during the progress of the work.

(f) Use of domestic power equipment (including but not limited to power lawn mowers, leaf blowers, trimmers, snow blowers, tillers, saws, sanders, drills, or similar devices) between 8:00 A.M. and 9:00 P.M. This exception shall further apply to Snow and/or ice removal from steep city streets and/or intersections which benefit the citizens in whole or in part between 9:00 P.M. and 8:00 A.M.

(g) Attendant on-site noise connected with the actual performance of organized sporting events on school campuses and in publicly owned parks or facilities.

(h) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(i) Amplified and unamplified bells and chimes on schools, public buildings and other places of assembly.

(j) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between 10:00 P.M. and 6:00 A.M. in a residential use.

(k) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between 7:00 A.M. and 10:00 P.M.

This exception shall further apply to snow and/or ice removal from steep city streets and/or intersections which benefit the citizens in whole or in part between 10:00 P.M. and 7:00 A.M.

(l) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of landing or taking off, if such landing or taking off is approved.

(m) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its component parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.

(n) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries, and sounds associated with play.

(o) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this code. (1977 Code, § 10-233, as replaced by Ord. #2016-102, April 2016 **Ch4_5-21-19**)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501.--11-504. Deleted.

11-505. Coercing people not to work.

11-501.--11-504. Deleted. (1977 Code, § 10-209, 211, 217, 210, as deleted by Ord. #2006-119, Jan. 2007, and Ord. #2018-102, May 2018 *Ch4_5-21-19*)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1977 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1977 Code, § 10-213)

11-602. 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. (1977 Code, § 10-214)

11-603. Discharge of firearms. It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1977 Code, § 10-212, modified)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-701. Trespassing.
- 11-702. Trespassing on trains.
- 11-703. Deleted.
- 11-704. Interference with traffic.

11-701. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1977 Code, § 10-226)

11-702. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1977 Code, § 10-221)

11-703. Deleted. (1977 Code, § 10-225, as deleted by Ord. #2018-102, May 2018 *Ch4_5-21-19*)

11-704. 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. (1977 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Deleted.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

11-801. Deleted. (1977 Code, § 10-223, as deleted by Ord. #2006-119, Jan. 2007, and Ord. #2018-102, May 2018 *Ch4_5-21-19*)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1977 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1977 Code, § 10-227)

11-804. Curfew for minors. It shall be unlawful for any person, under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor. (1977 Code, § 10-224)

11-805. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1977 Code, § 10-235)

TITLE 12**BUILDING, UTILITY, ETC. CODES****CHAPTER**

1. BUILDING CODE.
2. PLUMBING CODE.
3. GAS CODE.
4. RESIDENTIAL CODE.
5. ENERGY CODE.
6. MECHANICAL CODE.
7. ELECTRICAL CODE.
8. RESERVED.

CHAPTER 1**BUILDING CODE¹****SECTION**

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

12-101. Building code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. (Ord. #94-27, Oct. 1994, as replaced by Ord. #2008-113, Aug. 2008, amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-102. Modifications. Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the board of mayor and aldermen of the city. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees shall be from the Ridgetop Building Permit Fee Schedule amended by Ord. #2015-101, Apr. 2015-101 or recently adopted.

(2) 2012 International Building Code, chapter 27, section 2701 General, item 2701.1 Scope shall be amended:

2701.1 Scope. This chapter governs the electrical components, equipment, and system in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the State of Tennessee's current adopted electrical code. (1977 Code, § 4-102, as amended by Ord. #94-27, Oct. 1994, and Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-103. Available in recorder's office. Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-103, modified, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-104. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. Any violation of the building code shall be punished in accordance with the provisions of the general penalty clause of the City of Ridgetop, and/or enforced as may be determined by the board of mayor and aldermen in a court of law or equity. (1977 Code, § 4-104, as amended by Ord. #94-27, Oct. 1994, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

CHAPTER 2

PLUMBING CODE¹

SECTION

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

12-201. Plumbing code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-509 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the municipal water or sewerage system, the International Plumbing Code,² 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1977 Code, § 4-201, as amended by Ord. #94-28, Oct. 1994, modified, and amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-202. Modifications. (1) Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the board of mayor and aldermen of this city.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," "Building Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the plumbing code. The recommended schedule of permit fees shall be from the Ridgetop Building Permit Fee Schedule amended by Ord. #2015-101, Apr. 2015 or recently adopted.

(2) The 2012 International Plumbing Code is hereby adopted with amendments to the code as follows:

¹Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

1. **Section 712.3.5 Sump Pump connection to drainage system.** is hereby amended to delete it in its entirety and replacing with the following language:
"sump pump piping shall be connected to an approved drainage system that drains to daylight."
2. **Section 1109 Combined Sanitary and Storm System.** is hereby amended by the deletion of the first sentence and replacing it the following language:
"A combination of sanitary and storm drain or sewer shall be "prohibited" within the City of Ridgetop sewer system district."(1977 Code, § 4-202, as amended by Ord. #94-28, Oct. 1994, and replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-203. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1977 Code, § 4-203, as amended by Ord. #94-28, Oct. 1994, modified, and replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-204. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. Any violation of the plumbing code shall be punished in accordance with the provisions of the general penalty clause of the City of Ridgetop, and/or enforced as may be determined by the board of mayor and aldermen in a court of law or equity. (1977 Code, § 4-204, as amended by Ord. #94-28, Oct. 1994, and replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

CHAPTER 3

GAS CODE¹

SECTION

- 12-301. Title and definitions.
- 12-302. Purpose and scope.
- 12-303. Use of existing piping and appliances.
- 12-304. Bond and license.
- 12-305. Gas inspector and assistants.
- 12-306. Powers and duties of inspector.
- 12-307. Permits.
- 12-308. Inspections.
- 12-309. Certificates.
- 12-310. Fees.
- 12-311. Violations and penalties.
- 12-312. Nonliability.

12-301. Title and definitions. This chapter and the code herein adopted by reference shall be known as the gas code of the City of Ridgetop and may be cited as such.

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

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

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

(3) "Gas company" means any 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, gas fireplace logs and boilers. (1977 Code, § 4-401, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

¹Municipal code reference

Gas system administration: title 19, chapter 2.

12-302. 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 installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the International Fuel Gas Code,¹ 2012 edition, together with all appendix chapters, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1977 Code, § 4-402, as amended by Ord. #94-30, Oct. 1994, and Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-303. 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. (1977 Code, § 4-403, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-304. Bond and license. No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00), with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

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

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1977 Code, § 4-404, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-305. Gas inspector and assistants. To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the board of mayor and aldermen. (1977 Code, § 4-405, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-306. 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. (1977 Code, § 4-406, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-307. 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 city 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. (1977 Code, § 4-407, as replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-308. 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 thirty (30) psig for a period of a minimum of twenty-four (24) hours. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1977 Code, § 4-408, as replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-309. 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. (1977 Code, § 4-409, as replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-310. Fees. The recommended schedule of permit fees shall be from the Ridgeway Building Permit Fee Schedule amended by Ord. #2015-101, April 2015 or recent. (Ord. #94-30, Oct. 1994, as replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-311. Violations and penalties. (1) 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.

(2) It shall be unlawful for any person to cover with earth or any other method a gas line stub out in which an electronic or other type method to locate the underground gas line stub out is required. The fee and/or fine for such act will be outlined within the gas fee schedule. (1977 Code, § 4-411, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19*** and amended by Ord. #2017-103, Feb. 2017 ***Ch4_5-21-19***)

12-312. Nonliability. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the city, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1977 Code, § 4-412, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

CHAPTER 4

RESIDENTIAL CODE

SECTION

- 12-401. Residential code adopted.
- 12-402. Modifications.
- 12-403. Available in recorder's office.
- 12-404. Violations.

12-401. Residential code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,¹ 2012 edition, including appendix G, Swimming Pools, Spas, and Hot Tubs, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1977 Code, § 4-501, modified, as amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 **Ch4_5-21-19**)

12-402. Modifications. (1) Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the board of mayor and aldermen to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the board of mayor and aldermen. Section 108 of the housing code is deleted.

(2) The 2012 International Residential Code adoption does not include the following chapters. The electrical code shall be the State of Tennessee's adopted electrical code.

2012 International Residential Code, Part VIII Electrical, Chapter 34 General Requirements, Chapter 35 Electrical Definitions, Chapter 36 Services, Chapter 37 Branch Circuit and Feeder Requirements, Chapter 38 Wiring Methods, Chapter 39 Power and Lighting Distribution, Chapter 40 Devices and Luminaries, Chapter 41 Appliance Installation, Chapter 42 Swimming Pools, and Chapter 43 Remote-Control Signaling and Power Limited Circuits.

(3) The 2012 International Residential Code is hereby adopted with amendments to the code as follows:

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

1. Section R101.2 Scope. is hereby amended by deleting the reference to "... three stories ..." and replacing with "...two stories ..."
2. Section R101.2 Exceptions: (1) is hereby amended by adding the following new language:
"Local zoning regulations may otherwise limit or prevent the construction or use of a live/work unit in this manner."
3. Section R101.2 Exceptions: (2) is hereby amended by adding the following new language:
"Local zoning regulations may otherwise limit or prevent the construction or use of an owner occupied lodging house in this manner."
4. Section R102.2 General. is hereby amended by adding the following new Section:
"R102.2.1 All references in this code to flood prone areas shall comply with City of Ridgetop 's adopted Flood Insurance Program requirements as shown on the current Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program. Any conflicts between the requirements contained in this code and those contained in the Flood Insurance Program, the Flood Insurance Program shall apply."
5. Section R102.6 Partial invalidity. is hereby amended by the addition of the following new subsection:
"R102.6.1 Automatic fire sprinkler systems. Any provisions contained within this code relating to automatic fire sprinkler systems shall not be construed to be mandatory unless specifically adopted in accordance with the provisions contained in Tennessee Code Annotated Title 68 Section 120 Part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein."
6. Section R102 Applicability. shall hereby be amended by adding the following new Section:
"R102.8 Moved Buildings. All buildings or structures moved within the jurisdiction of the City of Ridgetop shall comply with Section 3410 of the International Building Code 2012 edition."
7. Section R105.2 Work exempt from permit. Building. Is hereby amended by deleting in item #1, "200 square feet" and replacing language with "120 square feet",
furthermore by deleting Item #2 in its entirety and replacing with the following language:
"2. Fences not over 6 feet high."
furthermore 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."

8. Section R109.1.2 Inspections. Plumbing, mechanical, gas and electrical system inspection. is hereby amended by adding the following sentence to the end:
"All excavations for in-ground installations shall be safe and of adequate size to allow for inspector to perform required inspections."
9. Section R109.2 Inspection agencies. is hereby amended by adding the following language:
"The Building Official is also authorized to accept technical reports and/ or affidavits to insure compliance with this Code. The form and substance of such reports and/ or affidavits must be acceptable to the Building Official."
10. Section R111 Service Utilities. is hereby amended by adding the following new section:
"R111.4 Sanitary Requirements During Construction. Adequate sanitary facilities for the convenience of all workmen shall be provided throughout the duration of the project. This facility shall be enclosed, weatherproofed and shall be a portable, chemically treated, tank-tight unit with a minimum of one (1) commode and one (1) urinal per thirty (30) workmen may be used. The location of required sanitary facilities shall be at the discretion of the Building Official or his/her designated representative."
11. Section R112.1 Board of Appeals-General shall be amended by the addition of the following language:
"The Board of Appeals referenced in this code shall be construed to be the City of Ridgetop Board of Zoning Appeals."
12. Section R202 Definitions. shall be amended by deleting the existing definition of townhouse and replacing it with the following language:
"TOWNHOUSE. A single-family dwelling unit constructed in a group of four or less attached units with no more than one unit per lot/parcel, each unit extending from foundation to roof and has open space on at least two sides."
13. Table R301.2(1) Climatic and Geographic Design Criteria. is hereby amended by adding the following Design Criteria in the appropriate fields:
"Ground Snow Load = 15#, Wind = 90 mph 3 sec gust, Seismic Design Category= B, Weathering= Severe, Frost Line Depth= 12 in, Termite = Moderate to Heavy, Winter Design Temp = 14 deg F, Ice Shield Underlayment Required = Yes, Flood Hazard = See Section R102.2.1, Air Freezing Index = 332, Mean Annual temperature= 59.2 deg F."

14. Section R313 Automatic Fire Sprinkler Systems. is hereby amended by deleting it in its entirety and replacing with the following language:
"Automatic fire sprinkler systems. Any provisions contained within this code relating to automatic fire sprinkler systems shall not be construed to be mandatory unless specifically adopted in accordance with the provisions contained in Tennessee Code Annotated Title 68 Section 120 Part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein."
 "R313.1 Townhouse automatic fire sprinkler systems. A two hour fire resistance rated common wall shall be required in between units of townhomes in the event an automatic fire sprinkler system is not installed in accordance with the provisions contained in Tennessee Code Annotated Title 68 Section 120 Part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein."
 "Exception: An automatic residential fire sprinkler system shall not be required when "additions" or "alterations" are made to existing Townhouses that do not have an automatic residential fire sprinkler system installed."
 "R313.1.1 Design and installation. Should an automatic residential fire sprinkler system for townhouses be installed it shall be designed and installed in accordance with section P2904."
 "R313.2 One-and two-family dwellings automatic fire sprinkler systems. A two hour fire resistance rated common wall shall be required in between units of a two family dwelling in the event an automatic fire sprinkler system is not installed in accordance with the provisions contained in Tennessee Code Annotated Title 68 Section 120 Part 101. However, should an automatic fire sprinkler system be utilized, it must comply fully with all requirements contained herein."
 "Exception: An automatic residential fire sprinkler system shall not be required for "additions" or "alterations" to existing buildings that are not already provided with an automatic residential fire sprinkler system."
 "R313.2.1 Design and installation. Should an automatic residential fire sprinkler system be installed it shall be designed and installed in accordance with section P2904 or NFPA 13D."
 15. Section R315 Carbon Monoxide Alarms is hereby amended by adding the following subsection:

"R315.5 Interconnection. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with R315.1, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm."

16. Section R322.1 Flood-Resistant Construction-General. is hereby amended by deleting it in its entirety and replacing with the following language:
"R322.1 Floodplain Construction. Buildings and structures constructed in whole or in part in floodplains designated on the Flood Insurance Rate Maps (FIRM) or the Flood Boundary and Floodway Maps (FBFM) provided by the National Flood Insurance Program shall comply with the City of Ridgetop's duly adopted Flood Insurance Program requirements."
17. Sections R405.1, R405.1.1, R406.1 and R406.2 are hereby amended by removing the following language from each section:
 "... and enclosed habitable or usable spaces below grade."
18. Section R405.1 Foundation drainage-concrete or masonry foundations. is hereby amended by deleting the last sentence before the Exception and replacing it with the following language:
 "The space between the excavation and the foundation wall shall be backfilled with washed gravel or stone one-half the backfill height. The remainder of excavated area may be backfilled with same type of soil as was removed during excavation,"
 Section R405.1 is further amended by adding after, "...approved drainage system... ":
 "which shall drain to daylight."
19. Sections R405. 1.1 and R405.2.3 is hereby amended by deleting to an approved sewer system" and replacing with the following language:
 "to an approved drainage system which shall drain to daylight."
20. Section R406.2 Concrete and masonry foundation waterproofing. is hereby amended by deleting the following language from the beginning of the first sentence:
 "In areas where a high water table or other severe soil-water conditions are known to exist..."
21. Section R408.3 Unvented crawl space. items 2.1 and 2.2 are hereby amended by deleting the phrase "...including a return pathway to the common area (such as a duct or transfer grille)..." in the first sentence and add the following language at the end of each section:

"Should a return pathway to the common area (such as a duct or transfer grille) be installed, then an acceptable system must be provided to insure acceptable air quality is being transferred to the common area."

Section R408.3 item 2.2 is further amended by deleting the word "...under..." and replacing it with "... crawlspace..."

22. Section R408.7 Flood resistance. is hereby deleted and replaced with the following:

"R408. 7 Rodent-proofing. All foundation walls shall be maintained plumb and free from open cracks and breaks or other opening so as to prevent the entry of rodents and other pests."

23. Section R501.3 Fire protection of floors. is hereby amended by adding the following subsection:

"R501. 3.1 Crawl spaces with access openings that meet or exceed 6 feet 8 inches in height or 36 inches in width must provide fire protection of floor assemblies as specified on R501.3."

24. Section R602.6.1 Drilling and notching of top plate. is hereby amended by adding the following language at the end of the first paragraph:

"...and a minimum of 2 inches below the top plate."

25. Section R801.3 Roof drainage. is hereby amended by deleting the following language from the beginning of the first sentence:

"In areas where expansive or collapsible soils are known to exist..."

26. Section R802.11.1 Uplift Resistance. is hereby amended by deleting the 2nd and 3rd paragraphs in their entirety.

27. Section R802.11.1.2 Truss uplift resistance. is hereby amended by replacing "...connections..." with "...connectors..." and deleting the following language:

"Uplift forces shall be permitted to be determined as specified by Table R802.11 if applicable,..."

28. Section R802.11.1.3 Rafter uplift resistance. is hereby amended by replacing "...connections..." with "...connectors..."

29. Section M1601.5 Under-floor plenums. Is hereby amended by replacing "under-floor" with "crawlspace."

30. Sections N1101.1-N105.6.3 of Chapter 11 Energy Efficiency. is hereby amended by deletion and replaced with the following language:

"N1101.1 Scope. The provisions of the adopted International Energy Conservation Code shall regulate the energy efficiency for the design and construction of buildings regulated by this code."

31. Section G2415.12 (404.12) Minimum burial depth. is hereby amended by replacing "...12 inches..." with "...18 inches..."

32. Section G2417.4.1 (406.4.1) Test pressure. is hereby amended by deleting the first sentence and replacing with the following language:
"Test pressure shall be minimum 30 psig."
33. Section G2417.4.2 (406.4.2) test duration. is hereby amended by replacing "...10 minutes" with "...24 hours."
34. Section P2503.4 Building sewer testing. is hereby amended by deleting entire section and replacing language with the following:
"P2503.4 Building sewer testing. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer or S.T.E.P. tank and completely filling the building sewer with water from the lowest to the highest point thereof, or approved equivalent low-pressure air test. Plastic DWV piping systems shall not be tested by the air test method. The test pressure shall not decrease during a period of not less than 15 minutes. The building sewer shall be watertight at all points. A forced sewer test shall consist of pressurizing the piping to a pressure of not less than 5 psig (34.5kPa) or greater than the pump rating and maintaining such pressure for not less than 15 minutes. The forced sewer shall be watertight at all points."
35. Section P2603.5 Freezing. is hereby amended by adding the following language "...and sanitary P traps..." in the first sentence after "...a water, soil or waste pipe..." and replacing "...12 inches..." with "...18 inches..." in last sentence.
36. Section P2603.5.1 sewer depth. is hereby amended by substituting the following language:
"Building sewers connected to private sewage disposal systems shall be a minimum of 18 inches below finished grade at the point of connection. The depth of the service field lines shall comply with the requirements as set forth by the Robertson County Environmental Office. If outlet from tank has a step down in grade to the service field lines, then the minimum required depth shall apply."
37. Section P2704.1 Access to connections-General. is hereby amended by adding the following sentence "Shower and bathtubs set head to head shall be prohibited except where adequate access is provided for repairs or maintenance" to the end of the section.
38. Section P2718.1 Clothes Washing Machine-Waste connection. is hereby amended by adding the following language:
"The trap and fixture drain for the associated standpipe shall be a minimum of 2" inches in diameter. The associated fixture drain shall be connected to a branch drain or drainage stack a minimum of 3" inches in diameter."

Exception: A two (2") inch drain pipe is acceptable if no additional fixtures are connected. "

39. Section 'P2801.5 Required pan. Is hereby amended by deletion of entire paragraph and replacing with the following language:
"Where a storage tank-type water heater or a hot water storage tank is install in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:
1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010mm) in thickness.
2. Plastic not less than 0.036 inch (0.9mm) in thickness.
3. Other approved materials.
A plastic pan beneath a gas-fired water heater shall be constructed of material having a flame spread index of 25 or less and a smoke-developed index of 450 or less when tested in accordance with ASTM E 84 or UL 723."
40. Section P2902.1 Protection of potable water supply General. is hereby amended by adding at the end of the sentence:
"A strainer is required to protect the backflow preventer from foreign objects in the line installed in a horizontal position. A valve shall be installed on the downstream side of the strainer to allow for servicing."
41. Section P2903.4 Thermal expansion control. is hereby amended by deleting the paragraph in its entirety and replacing with the following language:
"Where a storage water heater is supplied with cold water that passes through a check valve, pressure reducing valve or backflow preventer, a thermal expansion tank shall be connected to the water heater cold water supply pipe at a point that it is downstream of all check valves, pressure reducing valves and backflow preventers. Thermal expansion tanks shall be sized in accordance with the tank manufacturer's instructions and shall be sized such that the pressure in the water distribution system shall not exceed that required by Section P2903.3.1."
42. Section P2903.5 Water Hammer. is hereby amended by adding the following new sentence:
"Other methods may be utilized upon approval of the Plumbing Official. "
43. Section P2903. 7 Size of water service mains, branch mains and risers. is hereby amended by modifying the first sentence by deleting "...diameter..." and adding the following language:
"...nominal diameter from the meter to the water heater."
44. Section P2903.9.1 Service valve. is hereby amended by deleting the following phrase:

" ... near the entrance of the water service."

and replacing it with the following:

"...accessible from the living portion of the dwelling unit."

45. Section P2903.9.3 Fixture valves and access. is hereby amended by deleting the second sentence and replacing it with the following:
 "...An individual shutoff valve shall be required on the fixture supply pipe to each plumbing fixture, at or near the plumbing fixture, other than bathtubs and showers."
46. Section P3005.1.2 heel-or-side-inlet quarter bends, drainage. is hereby amended by substituting the following language:
 "Heel-or side-inlet quarter bends shall be an acceptable means of connection. Where the quarter bends serve a water closet, the inlet fittings shall be washed by a bathroom fixture group and be located directly below the water closet. Side-inlet quarter bends shall be an acceptable means of connection for drainage, wet venting and stack venting arrangements."
 Exception: "1/2 low heel inlet shall not be used as a wet vent connection."
47. Section P3005.2. 7 Building drain and building sewer junction. is hereby amended by deleting the following language from the second sentence:
 "...either inside or..."
48. Section P3005.2.10 Clean out equivalent. is hereby amended by adding the following language:
 "...with approval by the Plumbing Official."
49. Section P3005.4.1 Branch and stacking size. is hereby amended by substituting "2 inches..." for "...1.5 inches..."
50. Table P3005.4.2 Maximum number of fixtures units allowed... is hereby amended by adding a footnote "c" to read as follows:
 "No building sewer shall be less than four (4") inches in size."
51. Section P3303.1 Sumps and pumping systems--pumping system. is hereby amended by deleting in last sentence "P3303.1.4" and replacing with "P3303.1.5" and adding a new section as follows:
 "P3303.1.5 Discharge of sump pump piping. Discharge piping "shall not" be attached or connected to building sewer drainage. It shall be connected to an approved building drainage to be discharged to daylight" (1977 Code, § 4-502, as amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-403. Available in recorder's office. Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code has been placed on file in the recorder's office and shall be kept there for the use and

inspection of the public. (1977 Code, § 4-503, modified, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

12-404. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1977 Code, § 4-504, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

CHAPTER 5

ENERGY CODE¹

SECTION

- 12-501. Energy code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violation and penalty.

12-501. Energy code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the International Energy Conservation Code,² 2009 edition, as prepared and maintained by the International Code Council, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code. (as amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-502. Modifications. Whenever the energy code refers to the "responsible government agency," it shall be deemed to be a reference to the City of Ridgetop. 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 replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-503. 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 replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

12-504. Violation and penalty. It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

CHAPTER 6

MECHANICAL CODE¹

SECTION

- 12-601. Mechanical code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.

12-601. Mechanical code adopted. Pursuant to authority granted by Tennessee Code Annotated §§ 6-54-501 through 6-54-509 and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure, or any appurtenance connected or attached to any building or structure, the International Mechanical Code², 2012 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this municipal code and is hereinafter referred to as the mechanical code. (Ord. #94-31, Oct. 1994, as amended by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-602. Modifications. Wherever the mechanical code refers to the "Chief Appointing Authority" or the "Applicable Governing Authority" it shall be deemed to be a reference to the Board of Mayor and Aldermen of the City of Ridgetop. When the "Building Official," or "Director of Public Works" is named it shall, for the purposes of the mechanical code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the mechanical code. The recommended schedule of permit fees shall be from the Ridgetop Building Permit Fee Schedule amended by Ord. #2015-101, Apr. 2015 or recently adopted. (Ord. #94-31, Oct. 1994, as replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

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

¹Municipal code references

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

inspection of the public. (Ord. #94-31, Oct. 1994, modified, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

12-604. Violations. It shall be unlawful for any person to violate or fail to comply with any provision of the mechanical code as herein adopted by reference and modified. Any violation of the mechanical code shall be punished in accordance with the provisions of the general penalty clause of the City of Ridgetop, and/or enforced as may be determined by the board of mayor and aldermen in a court of law or equity. (Ord. #94-31, Oct. 1994, as replaced by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

CHAPTER 7

ELECTRICAL CODE

SECTION

- 12-701. Electrical code adopted.
- 12-702. Available in recorder's office.
- 12-703. Permit required for doing electrical work.
- 12-704. Violations.
- 12-705. Enforcement.
- 12-706. Fees.

12-701. 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,¹ 2011 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. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-702. 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. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-703. Permit required for doing electrical work. No electrical work shall be done within this city until a permit therefor has been issued by the city. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-704. 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

¹Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-705. Enforcement. The electrical inspector shall be such person as the board of mayor and aldermen shall appoint or designate or, if the electrical inspections are administered and completed by the State of Tennessee Fire Marshal's Office, the person appointed or designated by the State of Tennessee. It shall be their duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. The inspector 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. The inspector is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

12-706. 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. (as added by Ord. #2012-104, Oct. 2012, and replaced by Ord. #2016-103, April 2016 *Ch4_5-21-19*)

CHAPTER 8

RESERVED

(this chapter was reserved by Ord. #2016-103, April 2016 ***Ch4_5-21-19***)

TITLE 13**PROPERTY MAINTENANCE REGULATIONS¹****CHAPTER**

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES.
4. SLUM CLEARANCE.

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

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

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1977 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1977 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

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

without treating it so as effectively to prevent the breeding of mosquitoes. (1977 Code, § 8-106)

13-104. Weeds and rubbish. (1) The owners and occupants of real property in the City of Ridgetop, Tennessee, whether the same be vacant or occupied by structures, are hereby required to keep all weeds, wild bushes, rank noxious vegetation and rubbish of every kind and character cleared and removed from such property. "Rubbish" shall include automobiles of more than four (4) years of age (four models old) remaining unmoved and inoperable for a period of thirty (30) consecutive days or more.

(2) If any owner or occupant of property within the city shall fail to clear and remove such vegetation or rubbish, the city building and codes inspector or the property standards official shall serve a notice, in writing, upon such owner or occupant requiring him to clear and remove same from said property within ten (10) days after service of such notice. Such notice may be served personally upon the owner or his agent or occupant at his last known address, or may be posted on the property. Service of notice by any of the foregoing methods shall constitute due notice within the meaning of this section.

(3) If any owner or occupant, after notice as provided for herein, shall fail to clear or remove said vegetation and/or rubbish from the property described in said notice, within ten (10) days after service of notice, the building and codes inspector or the city recorder is authorized and directed to clear and remove the same and to prepare a statement of the cost thereof and file such statement with the city recorder for collection.

(4) Upon receiving the statement of costs mentioned above, the city recorder shall notify the owner or occupant by regular mail of the amount owed and all such bills shall bear interest at the rate of six percent (6%) per annum from a date thirty (30) days after mailing said bill until the same is paid. If at the end of thirty (30) days, full payment has not been made, a lien is hereby declared on such property for all costs incurred by the City or Ridgetop in clearing and removing said weeds, wild bushes, rank or noxious vegetation and/or rubbish. The lien may be enforced by attachment in law or equity and the cost recovered by suit in the name for the use of the Board of Mayor and Alderman of Ridgetop, Tennessee.

(5) Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, in addition to the foregoing, shall be punished by a fine under the general penalty clause of this code.

(6) It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1977 Code, § 8-107, as amended by Ord. #2005-102, April 2005)

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 police officer and dispose of such animal in such manner as the police officer shall direct. A fee of \$3.00 shall be paid by the city to any person who shall dispose of such dead animal as directed by such police officer. (1977 Code, § 8-108)

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. (1977 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city, and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1977 Code, § 8-104)

CHAPTER 2

JUNKYARDS

SECTION

13-201. Junkyards.

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

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

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

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1977 Code, § 8-111)

¹State law reference

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

CHAPTER 3

ABANDONED, WRECKED, JUNKED, AND DISMANTLED MOTOR VEHICLES

SECTION

- 13-301. Definitions.
- 13-302. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance.
- 13-303. Notice to remove.
- 13-304. Responsibility for removal.
- 13-305. Notice procedure.
- 13-306. Content of notice.
- 13-307. Request for hearing.
- 13-308. Procedure for hearing.
- 13-309. Removal of motor vehicle from property.
- 13-310. Notice of removal.
- 13-311. Disposition of vehicles.
- 13-312. Storage of vehicles.
- 13-313. Redemption of impounded vehicles.
- 13-314. Penalty.

13-301. Definitions. For the purposes 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 included the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Ridgetop, Tennessee.
- (2) "Mayor" is the Mayor of the City of Ridgetop, Tennessee.
- (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, motorbikes, motorcycles, motorscooters, trucks, tractors, riding lawn mowers, go-carts, golf carts, campers and trailers.
- (4) "Junked motor vehicle" is any motor vehicle, as defined by § 13-301(3), which does not have lawfully affixed thereto an unexpired license plate or plates and the condition of which is wrecked, dismantled, partially dismantled, 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 city which is privately owned and which is not public property as defined in this section.

(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 and be determined by the city judge in event of a hearing. (Ord. #94-33, Oct. 1994)

13-302. Storing, parking or leaving dismantled or other such motor vehicle prohibited and declared nuisance. 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 city for a period of time in excess of seventy-two (72) hours on public property or seven (7) days on private property. 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 having four solid non-transparent sides on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in appropriate business zone, pursuant to the zoning laws of the city, 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 the antique collection purposes, operable and licensed. (Ord. #94-33, Oct. 1994)

13-303. Notice to remove. Whenever it comes to the attention of the mayor or his designee, upon complaint made to the city or upon the carrying out of the function of the office of mayor or his designee or departments of government thereunder, that any nuisance, as defined in § 13-302, exists in the City of Ridgetop, Tennessee, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this chapter. (Ord. #94-33, Oct. 1994)

13-304. 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 city, the owner or occupant of the

private property where same is located, shall be liable for the expenses incurred. (Ord. #94-33, Oct. 1994)

13-305. Notice procedure. The mayor or his designee shall give notice of removal to the owner or occupant of the private property where it is located at least thirty (30) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address, return receipt requested. (Ord. #94-33, Oct. 1994)

13-306. Content of notice. The notice shall contain the request for removal and/or abatement of the violation hereof within the time specified in this chapter, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (Ord. #94-33, Oct. 1994)

13-307. Request for hearing. The person or persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the city judge of the City of Ridgetop within the thirty (30) day period of compliance prescribed in § 13-305 for the purpose of defending the charges by the city. (Ord. #94-33, Oct. 1994)

13-308. Procedure for hearing. The hearing shall be held as soon as practicable after the filing of the request and the person(s) to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing, the city and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. #94-33, Oct. 1994)

13-309. Removal of motor vehicle from property. If the violation described in the notice has not been remedied with the thirty (30) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had and if the existence of the violation is affirmed by the judge of the City of Ridgetop, 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 such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter and in no manner shall be deemed to be a trespass or unauthorized entry upon land. (Ord. #94-33, Oct. 1994)

13-310. Notice of removal. Within forty-eight (48) hours of the removal of such vehicle, the mayor or his designee 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 city for removal, including court costs for hearing, if any. (Ord. #94-33, Oct. 1994)

13-311. Disposition of vehicles. Upon removing a vehicle, the mayor shall sell the abandoned motor vehicle at a public auction not earlier than ten (10) days after its removal. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear 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 a period of sixty (60) days and, if not claimed, shall be deposited in the general fund of the city. Should the sale of any vehicle for any reason be invalid, the city's liability shall be limited to the return of the purchase price. (Ord. #94-33, Oct. 1994)

13-312. Storage of vehicles. The city, 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 for enforcement as set forth herein. (Ord. #94-33, Oct. 1994)

13-313. Redemption of impounded vehicles. 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 City of Ridgetop of any and all expenses incurred by the City of Ridgetop in connection with the enforcement of this chapter as determined by the mayor or his designee as set forth herein. (Ord. #94-33, Oct. 1994)

13-314. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than two hundred fifty dollars (\$250.00), or up to the maximum amount which the Legislature of the State of Tennessee may hereafter establish that municipal courts may levy as a fine. Each act in violation of any of the provisions hereof shall be deemed a separate offense and each day such violation continues shall constitute a separate offense. Failure to pay any unpaid costs incidental to the enforcement of this chapter shall be

filed as a lien in the office of the Register of Deeds in Robertson County, Tennessee. (Ord. #94-33, Oct. 1994)

CHAPTER 4

SLUM CLEARANCE

SECTION

- 13-401. Findings of board.
- 13-402. Definitions.
- 13-403. "Public officer" designated; powers.
- 13-404. Initiation of proceedings; hearings.
- 13-405. Orders to owners of unfit structures.
- 13-406. When public officer may repair, etc.
- 13-407. When public officer may remove or demolish.
- 13-408. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-409. Basis for a finding of unfitness.
- 13-410. Service of complaints and orders.
- 13-411. Enjoining enforcement of order.
- 13-412. Additional powers of public officer.
- 13-413. Powers conferred are supplemental.
- 13-414. Structures unfit for human habitation deemed unlawful.

13-401. Findings of board. Pursuant to Tennessee Code Annotated, § 13-21-101 *et. seq.*, the board of mayor and alderman finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other condition rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (as added by Ord. #2005-109, Nov. 2005)

13-402. Definitions. (1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

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

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

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

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

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

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

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

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (as added by Ord. #2005-109, Nov. 2005)

13-403. "Public officer" designated; powers. There is hereby designated and appointed a "public officer" to be the building inspector of the city, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the building inspector. (as added by Ord. #2005-109, Nov. 2005)

13-404. Initiation of proceedings; hearings. Whenever a petition is filed with the public officer by a public authority or by a least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in court of law or equity shall not be controlling in hearings before the public officer (as added by Ord. #2005-109, Nov. 2005)

13-405. Orders to owners of unfit structures. If, after such notice and hearings as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation 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, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or sue or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (as added by Ord. #2005-109, Nov. 2005)

10-406. When public officer may repair, etc. If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (as added by Ord. #2005-109, Nov. 2005)

10-407. When public officer may remove or demolish. If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (as added by Ord. #2005-109, Nov. 2005)

10-408. 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 Robertson County, Tennessee, 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 (1) action for debt against more than or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a

misjoinder of parties. If the structure is removed or demolished by the public officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court of Robertson County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Ridgetop to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (as added by Ord. #2005-109, Nov. 2005)

13-409. Basis for a finding of unfitness. The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Ridgetop. Such conditions may include the following (without limited 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; structure defects; or uncleanness. (as added by Ord. #2005-109, Nov. 2005)

13-410. Service of complaints and 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 persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same one (1) each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Robertson County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (as added by Ord. #2005-109, Nov. 2005)

10-411. Enjoining enforcement of order. Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court.

The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of non compliance by such person with any order of the public officer. (as added by Ord. #2005-109, Nov. 2005)

10-412. Additional powers of public officer. The public officer, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #2005-109, Nov. 2005)

10-413. Powers conferred are supplemental. This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #2005-109, Nov. 2005)

10-414. Structures unfit for human habitation deemed unlawful.

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

(2) Violations of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2005-109, Nov. 2005)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. STORM WATER REGULATIONS.
- 3.--9. DELETED.
10. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

14-101. 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 a minimum of five (5) members. One (1) of the members shall be the mayor of the municipality or a person designated by the mayor and one (1) of the members shall be a member of the chief legislative body of the municipality selected by that body. All other members shall be appointed by such mayor. The members of the planning commission shall be entitled to receive such reasonable compensation as may be established from time to time by the Board of Mayor and Aldermen of the City of Ridgetop. The board of mayor and aldermen shall have the right to determine separate compensation for individual members who perform administrative and or clerical duties for and on behalf of the planning commission. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall initially be appointed one (1) for a term of one (1) year; one (1) for a term of two (2) years; and one (2) for a term of three (3) years. As each of said terms expires, the re-appointment or successive appointment shall be for three (3) years. Additional members shall be appointed by the same term process and shall always consist of an odd number of members not to exceed fifteen (15) members. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101, as amended by Ord. #2001-104, Feb. 2001, and Ord. #2007-109, Nov. 2007, and replaced by Ord. #2017-109, March 2017 *Ch4_5-21-19*)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

14-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1977 Code, § 11-103)

¹To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-3-102, to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

STORM WATER REGULATIONS

SECTION

- 14-201. In general.
- 14-202. Rules for construction of language.
- 14-203. Land disturbance permit (aka grading permit).
- 14-204. Storm water design.
- 14-205. Post construction.
- 14-206. Illicit discharges.
- 14-207. Enforcement.
- 14-208. Penalties.
- 14-209. Appeals.
- 14-210. Severability.

14-201. In general. (1) Purpose. The City of Ridgetop (city) shall administer the provisions of this chapter. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the city to comply with the National Pollution Discharge Elimination System permits (NPDES) and applicable regulations, 40 CFR 122.26 for storm water discharges.

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to storm water facilities, is the power by chapter or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for storm water management in proposed developments;

(v) Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable chapter, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and,

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

(2) Authority. The city engineer or zoning administrator shall administer the provisions of this chapter. This shall include, but not be limited to, grading and erosion control plan review, incentives negotiation, storm water facilities maintenance, administration and enforcement.

(3) Jurisdiction. This chapter shall govern all properties within the corporate limits and planning region for the City of Ridgeway, Tennessee.

(4) Waivers. Every applicant shall provide for storm water management as required by this chapter, unless a written request is approved to waive this requirement. Requests to waive the requirements of this chapter shall be submitted to the city engineer or zoning administrator for approval. Waivers are issued at the sole discretion of the city engineer or zoning administrator and must not result in the following conditions:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated stream bank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(5) Right-of-entry. Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurements of the property's storm water operations or discharges.

The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.

(6) Conflicting standards. If any provisions of this chapter and any other provisions of law impose overlapping or contradictory regulations, or

contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. (as deleted by Ord. #2007-109, Nov. 2007, and replaced by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-202. Rules for construction of language. For the purpose of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

(1) **Definitions.** The following definitions shall apply in the interpretation of this chapter and in any regulations promulgated hereunder, unless specifically stated otherwise:

(a) "Accidental discharge" - A discharge prohibited by this chapter into the community waters or to waters of the state which occurs by chance and without planning or consideration prior to occurrence.

(b) "Active construction site" - Any site that has a permit for grading or other activities (even if actual construction is not proceeding) and any site where construction is occurring regardless of permits acquired.

(c) "Appeal" - A request for a review of the city engineer's or zoning administrators interpretation of any provision of these regulations.

(d) "Architect" - A person duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of building architecture.

(e) "Base flood" - The flood having a one percent (1%) chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the "one hundred-year flood."

(f) "Best Management Practice (BMP)" - This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality. Best management practices also means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States/state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(g) "Bikeway" - A facility that is explicitly provided for non-motorized bicycle travel.

(h) "Blue line stream" - Streams that are represented on the United States Department of the Interior Geological Survey (USGS) 1:24,000 quadrangle maps.

(i) "BMP treatment train" - A technique for progressively selecting various storm water management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

(j) "Bond" - An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one (1) or more parties of certain acts.

(k) "Bridge" - A man made conveyance of storm water flows.

(l) "Building" - A structure with a roof, intended for the shelter or enclosure of persons or property.

(m) "Channel" - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel (bankfull) flow is that quantity of water that is flowing within the limits of the defined channel.

(n) "City" - The City of Ridgetop, Tennessee.

(o) "City engineer" - The engineer and designated staff for the City of Ridgetop, Tennessee.

(p) "Community waters"- Includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Ridgetop.

(q) "Construction plan" - The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in accordance with requirements of the planning commission.

(r) "Contractor " - An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

(s) "Cross-drain" - A culvert or culvert system that conveys storm water from one (1) side of a roadway or obstruction to another.

(t) "Critical area" - A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

(u) "Critical design-storm period" - The time frame in which the detention volume must be controlled with the pre-development flow volume as a maximum limit. It assumes a design period for an NRCS (formerly SCS) Type II design storm. This is a watershed specific parameter that may be specified by the city engineer or zoning administrator, but may be assumed as ten to fourteen (10 to 14) hours for

small and medium watersheds (order of less than ten (10) square miles) and ten to eighteen (10 to 18) hours for large watersheds (order of ten to forty (10 to 40) square miles).

(v) "Critical service roads" - Roads designated city evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

(w) "Culvert" - A man made conveyance of storm water flows. This may include a pipe or other constructed conveyance.

(x) "Cut area" - Consists of the excavation and grading of an area (site, roadway, borrow pit, waterways, ditches, benches, etc.), which in turn lowers or rearranges the elevation of the existing area.

(y) "Design specifications" - Written description of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project.

(z) "Detention" - The temporary delay of storm water runoff prior to discharge into receiving waters.

(aa) "Developer" - Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for him or others. This includes any legal or engineering representative of the "developer."

(bb) "Development" - 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 permanent storage of materials (as defined as materials of like nature stored in whole or in part for more than six (6) months).

(cc) "Drainage basin" - A part of the surface of the earth that is occupied by and provides surface water runoff into a storm water management facility, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

(dd) "Drainage well" - A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm runoff, into a subsurface or karst formation. Also know as "dry well" or "sinkhole."

(ee) "Easement" - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his/her property.

(ff) "Engineer" - A person certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tennessee Code Annotated, to practice engineering in Tennessee.

(gg) "Equal degree of encroachment" - The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is

determined by considering hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

(hh) "Erosion" - The disintegration or wearing away, of soil particles, caused by the action of flowing water or impact of precipitation on the particles.

(ii) "Erosion and sediment control plan" - A written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a land disturbing activity.

(jj) "Erosion prevention" - Practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles in storm water runoff, often associated with erosion prevention and sedimentation control.

(kk) "Escrow" - A fiduciary agreement with the governing body in lieu of actual performance and intended to secure performance. An escrow amount may be provided as a bond subject to agreement of the governing body.

(ll) "Excavation" - See cut area.

(mm) "Existing grade" - The slope or elevation of an existing ground surface prior to cutting or filling.

(nn) "Existing construction" - Any construction related activity, for which the "start of construction," commenced before the effective date of this chapter.

(oo) "Fill area" - Consists of placing of approved materials in an area to create an embankment for a roadway, building structure, etc. which in turn raises the elevation of the existing area.

(pp) "Finished grade" - The final slope or elevation of the ground surface, after cutting or filling.

(qq) "Flood or flooding" - Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands, not ordinarily covered by water, and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

(rr) "Flood frequency" - The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

(ss) "Flood Insurance Rate Map (FIRM)" - An official map of the City of Ridgetop, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

(tt) "Flood insurance study" - The official report provided by the Federal Emergency Management Agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

(uu) "Floodplain" - The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of

this chapter, the floodplain is defined as the 100-year floodplain having a one percent (1%) chance of being equaled or exceeded in any given year.

(vv) "Floodproofing" - A combination of structural provisions, changes, or adjustments to properties and structures, subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(ww) "Floodway" - That portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year peak flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year peak flood discharge can be conveyed through the floodplain without materially increasing (less than one foot (1')) the water surface elevation at any point and without producing hazardous velocities or conditions. This is an area of significant depth and velocity and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

(xx) "Floodway fringe" - That portion of the floodplain lying outside the floodway boundaries.

(yy) "Floor" - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(zz) "Functionally dependent facility" - A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

(aaa) "General development plan" - An approved scheme for future land development that coincides with the development plans of the city.

(bbb) "Grading" - See land disturbing activity.

(ccc) "Greenway easement" - Property that has been designated for use by the city in support of greenway activities. This may include, but does not require, the use of trails or walkways to provide access to the general public. A greenway that is not defined with an easement may have restricted access (i.e. - Not accessible to the general public).

(ddd) "High quality waters" - High quality waters are surface waters of the State of Tennessee that are identified by the Tennessee Department of Environment and Conservation as high quality waters. Characteristics of high quality waters are that they generally provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or

geological values; or waters where existing conditions are better than water quality standards.

(eee) "Highest adjacent grade" - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(fff) "Historic structure designation" - Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

(ggg) "Illicit connection" - An unauthorized connection to the municipal separate storm sewer system whether or not such connection results in discharges into the system.

(hhh) "Illicit discharge" - Any discharge to the municipal separate storm sewer system that is not entirely composed of storm water and not specifically exempted under § 14-206(4).

(iii) "Impervious surface" - A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

(jjj) "Land disturbing activity" - Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of, land except those activities listed in § 14-206(4) of this chapter.

(kkk) "Land surveyor" - A person certified and registered by the State Board of Land Surveying Examiners pursuant to Tennessee Code Annotated to practice land surveying in Tennessee.

(lll) "Landscape architect" - A person duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.

(mmm) "Lowest floor" - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage and in an area other than the basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the elevation design requirements of this chapter.

(nnn) "Maintenance" - Any activity necessary to keep a storm water management facility in good working order so it will function as

designed. Maintenance shall include complete reconstruction of a storm water management facility if reconstruction is required in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site that directly impairs the function of the storm water management facility.

(ooo) "Maintenance agreement" - A document recorded in the land records that acts as a property deed restriction, and which provides for access to the site for inspection by city staff and which provides for long-term maintenance of the storm water management facilities.

(ppp) "Master plan" - Any study or plan prepared by or accepted by the City of Ridgetop that identifies solutions to water quantity or quality issues. Also known as basin study or plan, flood management study or plan, or water quality management study or plan.

(qqq) "Municipal Separate Storm Sewer System (MS4)" - The portion of public infrastructure that is not considered "waters of the state". Usually MS4 refers to dry-weather conveyances while "waters of the state" are typically wet-weather conveyances. This determination is made by the Tennessee Department of Environment and Conservation.

(rrr) "National Pollutant Discharge Elimination System (NPDES)" permit - A permit issued pursuant to 33 U.S.C. 1342.

(sss) "Natural ground surface" - The ground surface in its original state before any grading, excavating, or filling. See existing grade.

(ttt) "New construction" - Structures for which the "start of construction" commenced on or after the effective date of these regulations. The term also includes any subsequent improvements to such structures.

(uuu) "NPDES MS4 Phase II Program" - National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program is the Environmental Protection Agency storm water program that focuses on smaller communities such as Ridgetop, Tennessee.

(vvv) "National Resources Conservation Service (NRCS)" - Formally known as the Soil Conservation Service (SCS).

(www) "One hundred-year flood" - A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods for a particular watershed and other watersheds in the same general region. Statistically, it has a one percent (1%) chance of occurring in any given year. See "Base flood."

(xxx) "Owner" - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

(yyy) "Performance bond" - See bond.

(zzz) "Permittee" - Any person, firm, or any other legal entity to which a land disturbance, grading, building or other related permit is issued in accordance with City of Ridgetop regulations or ordinances.

(aaaa) "Planning commission" - A public planning body established pursuant to title 13, chapters 3 or 4, Tennessee Code Annotated, to execute a partial or full planning program within authorized area limits.

(bbbb) "Planning region" - For the purpose of this chapter, the area composed of territory of the Ridgetop, Tennessee municipality together with the designated Ridgetop Planning region granted to the city by the state of Tennessee under § 13-3-102 of Tennessee Code Annotated.

(cccc) "Priority area" - An area where land use or activities generate or may generate highly contaminated storm water runoff, with concentrations of pollutants in excess of those typically found in storm water. Priority areas also refer to areas that discharge to streams that do not meet their designated use such as 303(d) streams, as defined by TDEC, or that discharge to "high quality waters."

(dddd) "Public improvement" - Any drainage ditch, roadway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, storm water facility, or other facility for which the governing body may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the governing body's responsibility is established.

(eeee) "Receiving waters" - A river, stream, or other watercourse into which storm water runoff is discharged.

(ffff) "Redevelopment" - Development improvements that have a value less than fifty percent (50%) of the current assessed value and/or increase the floor area by less than twenty-five percent (25%). Demolition and reconstruction is considered development and not redevelopment. Note: this is different than significant redevelopment.

(gggg) "Regional storm water management facility" - A device or management practice, typically but not always a detention or retention pond. The facility may serve multiple homogenous land use areas or an area of various land uses.

(hhhh) "Resubdivision" - A change in a map of any approved or recorded subdivision plat altering the number or dimensions of the lots incorporated within the confines of the original plat.

(iiii) "Retention" - The prevention of storm water runoff from directly discharging into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

(jjjj) "Right-of-way" - A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use.

(kkkk) "Soil Conservation Service (SCS)" - See National Resources Conservation Service.

(llll) "Sediment" - Solid material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

(mmmm) "Sediment control" - Practices implemented to manage through filtering, settling or other mechanism(s) the removal of suspended particles (soil, organic or mineral) from storm water, often associated with erosion prevention and sedimentation control.

(nnnn) "Significant redevelopment" - Development improvements that have a value greater than fifty percent (50%) of the current assessed value, increases the floor area twenty-five percent (25%) or more, changes in the impervious surface area, redirects the flow of storm water runoff in any way, modifies the storm sewer system, or changes storm water characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than redevelopment.

(oooo) "Significant spill" - A spill or any other discharge which could constitute a threat to human health or the environment.

(pppp) "Site" - All contiguous land and bodies of water in one (1) ownership graded or proposed for grading or development as a unit, although not necessarily at one (1) time.

(qqqq) "Slope" - Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

(rrrr) "Soil" - All unconsolidated mineral and organic material of any origin that overlies bedrock and that can be readily excavated.

(ssss) "Soil engineer" - A professional engineer, who is qualified, licensed and/or registered by the appropriate authority to practice applied soil mechanics and foundation engineering within the State of Tennessee.

(tttt) "Start of construction" - For purposes of erosion and sediment control, any alteration of the original surface area of the land from and after the date and adoption of this chapter.

(uuuu) "Storm water" - Rain runoff, snowmelt runoff, surface runoff, and drainage.

(vvvv) "Storm water director" - The City Engineer or Zoning Administrator for the City of Ridgetop, Tennessee.

(www) "Storm water management facilities" - Drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

(xxxx) "Storm Water Pollution Prevention Plan (SWPPP)" - A written site specific plan to eliminate or reduce and control the pollution of storm water through designated facilities, sedimentation ponds, natural or constructed wetlands, and best management practices.

(yyyy) "Stripping" - Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

(zzzz) "Structure" - An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, silos and overhead transmission lines.

(aaaaa) "Subdivision" - The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

(bbbbb) "Substantial damage" - Damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage.

(ccccc) "Substantial improvement" - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be

(i) The appraised value of the structure prior to the start of the initial repair or improvement, or

(ii) In the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(ddddd) "Substantial work" - A sufficient amount of construction activity, as defined by the city engineer or zoning administrator, which demonstrates progress toward site completion.

(eeee) "Tract" - A portion of land with definite and ascertainable limits or boundaries.

(fffff) "Water quality" - Those characteristics of storm water runoff that relate to physical, chemical, biological, or radiological integrity of water.

(ggggg) "Water quantity" - Those characteristics of storm water runoff that relate to the rate and volume of storm water runoff.

(hhhhh) "Waters of the state" - Any water body determined to be in the jurisdiction of the Tennessee Department of Environment and Conservation (TDEC). Waters of the state are separate and distinct from an MS4 and private infrastructure.

(iiii) "Water body" - A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm water runoff and floodwater flows either regularly or infrequently.

(jjjj) "Watershed" - The area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

(kkkk) "Waterway buffer" - An area separating a waterway from buildings and/or structures. Typically, buffers are maintained in a natural or vegetative state providing environmental and aesthetic benefits.

(llll) "Wetland" - Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support vegetation typical of life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs and similar areas.

(mmmm) "Zoning administrator" - An appointed designee by the city board of mayor and alderman to evaluate and approve property use, review plans, plats and issue building and zoning permits, interpret and enforce building and zoning ordinance, rules and regulations, inspect zoning, and construction sites for compliancy, issue warnings, stop work orders and fines for violations.

(nnnn) "Zoning ordinance" - A statute, legally adopted pursuant to title 13, chapter 7, Tennessee Code Annotated, for the purpose of regulating, by district, land development or use for a designated area.

(2) Abbreviations. The following is a list of abbreviations used within this chapter. The appropriate designation shall refer to the latest edition or update published by that organization:

- (a) AASHTO: American Association of State Highway and Transportation Officials
- (b) ASTM: American Association of State Highway and Transportation Officials
- (c) BMP: Best Management Practice
- (d) CFR: Code of Federal Regulation
- (e) FIRM: Flood Insurance Rate Map
- (f) MS4: Municipal Separate Storm Sewer System
- (g) NPDES: National Pollutant Discharge Elimination System
- (h) NRCS: National Resources Conservation Service
- (i) PUD: Planned Unit Development
- (j) SCS: Soil Conservation Service
- (k) SWPPP: Storm Water Pollution Prevention Plan
- (l) TDEC: Tennessee Department of Environment and Conservation
- (m) TDOT: Tennessee Department of Transportation

- (n) USC: United States Code
- (o) USGS: United States Geological Survey (as added by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-203. Land disturbance permit (aka grading permit).

(1) Applicability. The provisions of this section shall apply to all new developments on each lot, site or common development which has not received final plat approval, final site plan approval or a building permit prior to the effective date of this chapter. No person shall undertake stripping or land disturbance activities of an area greater than one (1) acre or change the elevation of a property without first obtaining a Land Disturbance Permit (LDP) from the city engineer or zoning administrator.

(2) Exemptions. The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

- (a) Surface mining as is defined in Tennessee Code Annotated, § 59-8202;
- (b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additions or modifications, home maintenance work, and other related activities that result in minor soil erosion;
- (c) Individual service and sewer connections for single or two (2) family residences;
- (d) Agricultural practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.
- (e) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (f) Construction, installation, or maintenance of electrical, telephone and cable television lines and poles;
- (g) Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard surface road, street or sidewalk which is hard surfaced and such street, curb, gutter or sidewalk construction has been approved;
- (h) Construction, repair or rebuilding of tracks or other related facilities of a railroad company;
- (i) Land disturbance activities that do not disturb more than one (1) acre of land. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. This exemption does not apply to any discharge of sediment or other form of water pollution that may leave a small site; and,

(j) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

These activities may be undertaken without a land disturbance permit; however, the persons conducting these excluded activities shall remain responsible for conducting these activities in accordance with provisions of this chapter and other applicable regulations including responsibility for controlling sedimentation and runoff.

(3) Application. No land disturbing activity, whether temporary or permanent, shall be conducted within the city unless a land disturbance permit has been issued by the city engineer or zoning administrator. Such permits shall be available for inspection by the city on the job site at all times during which land disturbance activities are in progress. Each application for a LOP shall include the following:

- (a) Name of applicant;
- (b) Business or residence address of applicant;
- (c) Name, address, and telephone number of the owner of the property of record;
- (d) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
- (e) Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the storm water management plan;
- (f) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
- (g) Where the property includes a sinkhole, the applicant shall obtain from the state department of environment and conservation appropriate permits;
- (h) The applicant shall obtain from any other State or Federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits;
- (i) A sediment and erosion control plan containing the following:
 - (i) Perimeter controls;
 - (ii) Slope protection;
 - (iii) Sediment traps and basins;
 - (iv) Drainage way and stream protection;
 - (v) Temporary stabilization;
 - (vi) Permanent stabilization;
- (j) A grading plan containing the following:

- (i) Existing and proposed site contours of an interval no greater than five feet (5');
- (ii) Existing and proposed buildings on the property (including floor elevations);
- (iii) Existing and proposed drainage structures on, and in the immediate vicinity of, the property. Must include size, type, slope, and invert elevations of the structures;
- (iv) Submit drainage and runoff calculations (including a drainage basin worksheet) and temporary sediment/detention pond design as required by the city. Calculations should be for pipes and ditches as well as areas where the runoff sheet flows;
- (v) Existing and proposed paving on the property (including parking and roadway improvements);
- (k) An NPDES permit tracking number; and,
- (l) Land disturbance permit bond - prior to the issuance of a permit for any land disturbance activity affecting more than five (5) acres, the applicant shall be required to provide a land disturbance bond to the City of Ridgetop to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development or nearby lakes, streams or large drainage ditches, the applicant may be required, at the discretion of the city engineer or zoning administrator, to provide a land disturbance permit bond to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.

The city engineer or zoning administrator shall establish the amount and time period of the security, based on the estimated cost and time for completing the plan. The land disturbance permit bond shall be in the form of cash, a certified check, an irrevocable letter of credit, or a surety bond rated A- or better. All irrevocable letters of credit submitted to the city must either be payable at a local bank within a fifty (50) mile radius of the corporate limits of the City of Ridgetop or specifically state that the letter of credit can be drawn upon by certified mail.

Such land disturbance permit bond shall be satisfactory to the city attorney as to form, sufficiency of surety, and manner of execution. Within thirty (30) days of the city engineer or zoning administrator determination that all provisions of the approved plan have been completed or upon receipt of an acceptable site performance bond for required site and grading improvements or a subdivision performance bond for required subdivision improvements, such land disturbance permit bond shall be refunded or terminated.

(4) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one (1) year.

(5) Inspection of construction. The applicant must notify the city two (2) working days in advance of the commencement of construction.

Erosion control measures must be in place and inspected by the city engineer or zoning administrator prior to grading.

Routine inspections of erosion control devices shall be performed to insure effectiveness throughout the project duration. (as added by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-204. Storm water design. (1) General. (a) This chapter outlines the minimum standards for storm water design. The city engineer or zoning administrator reserves the right to require additional calculations or information.

(b) A major drainage system carries runoff from a 100-year storm event and consists of one (1) or more minor drainage systems. Major drainage systems shall be designed such that no building will be flooded during a 100-year frequency storm if the minor drainage system experiences total failure.

(c) A minor drainage system is used for collecting, transporting, and disposing of snow melt, miscellaneous minor flows, and storm runoff up to the capacity of the system. The capacity should be equal to the maximum rate of runoff to be expected from the initial design storm of 10-year frequency.

(d) Utility conflicts - see utility department manuals.

(e) All easement requirements shall be per the Ridgetop Subdivision Regulations.

(f) The developer shall study the effect of each project on existing downstream drainage facilities outside the area of the project. Where it is anticipated that the additional runoff incident to the development of the project will overload an existing downstream facility, the city engineer or zoning administrator may withhold approval of the project until provisions have been made for adequate improvement of such drainage facilities. No project shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(g) Storm water systems should be designed to:

(i) Account for future development in the watershed or affected portions thereof, as permitted by the applicable zoning regulations;

(ii) Follow existing flow paths;

(iii) Convey storm water to a stream, channel, natural drainage facility, or other existing facility of sufficient capacity to receive the storm water runoff;

(iv) Exit the site at an easement or right-of-way location.

(g) In residential subdivision developments, where the average lot size is less than twenty thousand (20,000) square feet, lots should generally be graded in such a manner that surface runoff does not cross more than three (3) lots or have peak discharges greater than four (4) cfs before it is collected in an open or closed storm water system.

(h) All construction requirements shall be per the City of Ridgeway Zoning Regulations and/or Subdivision Regulations.

(i) The developer will insure that all artesian ground waters of a permanent or temporary nature will be conveyed through the storm water system. Regardless of the location of property lines, intercept will be allowed at the point of artesian surfacing. The intent of this paragraph is to prevent flooding by overland flow. The developer is obligated to perform this work upon evidence of artesian water for a period of two (2) years following acceptance of all roads and utilities.

(2) Hydrology. (a) Any drainage area greater than forty (40) acres shall require a drainage basin worksheet.

(b) The rational method is the preferred method for drainage areas less than or equal to one hundred (100) acres.

(c) Drainage areas greater than one hundred (100) acres shall use the SCS unit hydrograph procedure or other approved calculations.

(d) Intensity-duration-frequency curves for Metro Nashville shall be used. Copies of these curves are available in the office of the city engineer.

(e) Drainage calculations shall be provided for all designs. All areas for calculation shall be determined from field run topography or current USGS quadrangle sheets.

(3) Open channel design. (a) Where open channels are utilized, they shall be designed for the 10-year design storm. If the 10-year design flow for an open channel system is greater than one hundred (100) cfs, then the channel shall be capable of passing the 100-year design flow within the drainage easement.

(b) Trapezoidal or parabolic ditch cross-sections are preferred. Triangular ditch cross-sections should be avoided.

(c) Use of riprap must be approved by the city engineer.

(d) Low flow concrete sections are required where flow is greater than 100 cfs, unless waived by the city engineer.

(e) Ditches running parallel and adjacent to a curbed street are not allowed.

(f) Manning's equation is recommended for evaluating uniform flow conditions in open channels.

(g) Stabilization of ditches - all open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	<u>Seeding Required</u>	Sod or Permanent <u>Matting Required</u>	<u>Concrete Swale</u>
Any size pipe			Grades less than 0.60% slope
15"	Grades 0.60-3.00%	Grades 3.00-12.00%	Grades exceeding 12.00%
19" thru 24"	Grades 06.0-1.50%	Grades 1.50-7.00%	Grades exceeding 7.00%
30" thru 36"	Grades 06.1-1.50%	Grades 1.00-4.00%	Grades exceeding 4.00%
42" thru 72"		Grades 2.50% or less	Grades exceeding 2.50%

(4) Gutter and inlet design. (a) Inlets shall be located or spaced in such a manner that the design curb flow does not exceed eight feet (8') of spread.

(b) Underground storm water facilities shall have accesses a minimum of two hundred feet (200') apart for pipe less than or equal to twenty-four inches (24") diameter and three hundred feet (300') apart for pipe between thirty and forty-two inches (30" and 42") in diameter.

(c) No flow shall be allowed to cross intersecting streets unless approved by the city engineer.

(d) Combination inlets shall always be used under sump conditions and at the end of cul-de-sacs.

(5) Culvert design. (a) Culverts shall be eighteen inches (18") diameter minimum and have a one-half percent (0.5%) slope minimum.

(b) RCP is required under all roadways.

(c) Arterial or collector roadway cross-drains shall be designed to pass the 100-year design storm.

(d) Local roadway culverts shall be designed to pass the 10-year design storm. If the 10-year design flow exceeds one hundred (100) cfs then the local roadway cross-drains shall be designed to pass the 100-year design storm.

(e) A minimum velocity of two and one half (2.5) fps, when a culvert is flowing full, is required to ensure a self-cleaning condition during partial depth flow.

(f) A minimum of one foot (1') of cover shall be provided over all culverts.

(g) The maximum velocity shall be consistent with channel stability requirements at the culvert outlet.

(4) Bridges. (a) The peak discharge design return period for spans greater than twenty feet (20') shall be designed for 100-year storm event.

(b) To allow debris to pass without causing damage, the recommended minimum clearance between the design flood stage and the low member of the bridge shall be one foot (1'), unless boat traffic is anticipated.

(7) Detention/retention design. (a) Control structure release rates should approximate pre-development peak rates for the 2-year thru the 10-year storm events with an emergency overflow capable of handling the 100-year discharge, except where waived by the city engineer. Design calculations are required to demonstrate that the 2- and 10-year design storms are controlled. If so, intermediate storm return periods can be assumed to be adequately controlled.

(b) Detention volume shall be adequate to attenuate the post-development peak discharge rates to the design release rates.

(c) If the 10-year post-development runoff increase is less than three (3) cfs from the 10-year pre-development runoff, then a detention pond waiver may be given by the city engineer.

(d) Detention volumes shall be drained within seventy-two (72) hours.

(e) Vegetated embankments shall be less than ten feet (10') in height with side slopes no greater than 3: 1.

(f) The interior bottom slope shall not be less than one percent (1%), unless a concrete swale is approved.

(g) The top of the berm shall be no less than three feet (3') wide.

(h) Retention pond design and calculations must be approved by the city engineer.

(i) Detention/retention systems shall be constructed and operational during the initial phase of construction. This requirement shall be clearly stated on the plans.

(j) Impoundment depths greater than twenty feet (20') are subject to the State Dam Safety Act. Requirements of the State Dam Safety Program shall be followed.

(k) The design engineer shall design detention/retention facilities that require minimal maintenance. The maintenance responsibility shall be clearly stated on the plans and be in accordance with § 14-205(2) of this chapter.

(l) If siltation during construction causes a loss of detention volume, design dimensions shall be restored. This requirement shall be clearly stated on the plans.

(8) Erosion and sediment control. (a) The erosion and sediment control plan must include appropriate construction specifications for all control measures. These specifications must be developed by the design engineer as required for site-specific conditions. Typical specifications may be obtained from the most recent edition of the Tennessee Erosion and Sediment Control Handbook (Tennessee Department of Environment and Conservation) latest edition.

(b) Properties adjacent to a land disturbance site shall be protected from sediment deposition. Vegetated buffer strips shall be at least twenty feet (20') wide.

(c) Sediment traps may be used to detain sediment-laden storm water runoff from drainage areas. Sediment traps shall have an initial storage volume below the crest of the overflow structure of sixty-seven (67) cubic yards per acre of drainage area.

(d) Temporary check dams shall be constructed across open channels.

(e) The designer must consider and provide a design to dissipate energy and eliminate scour on the downstream side of all outlet structures. See § 14-204(9) of this chapter for approved outlet protection alternatives.

(f) Ninety percent (90%) of all pervious areas on a site shall have a dense ground cover prior to release of any bond. In drainage ways, one hundred percent (100%) of dense ground cover must be established.

(9) Outlet protection. (a) Outfalls must be designed to discharge the runoff without deterioration of the downstream drainage facilities.

(b) Fencing shall be required for detention areas where:

(i) Rapid stage changes occur; or,

(ii) Water depths exceed two and one-half feet (2.5') for more than twenty-four (24) hours; or,

(iii) Interior flow velocity is more than five (5) fps; or,

(iv) Interior side slopes are greater than 1.5:1; or,

(v) In some cases, it may be advisable to fence the watercourse or ditch rather than the detention area.

(c) Grates or covers are required on top of all detention pond outlet structures.

(d) Energy dissipater blocks and erosion control fabric are preferred for outlet protection. Use of riprap requires prior approval from the city engineer.

(10) Sinkhole policy. (a) The developer shall provide the city engineer with a geologic report of all sinkholes receiving storm water runoff from the site. This report shall be prepared by a registered engineer experienced in geology and ground water hydrology and shall include hydraulic calculations needed to show that offsite flooding will not be increased.

(b) Any sinkhole or natural channel utilized as a means of moving ground water into a subterranean system shall be protected by structures as approved by the city engineer.

(c) The developer shall provide an alternate drainage route to provide runoff relief in case of sinkhole failure.

(d) Sinkholes used as a detention facility shall meet the requirements of § 14-204(7), detention/retention design. (as added by Ord. #2017-105, Feb. 2017 **Ch4_5-21-19**)

14-205. Post construction. (1) General. The following requirements apply to existing and proposed sites:

(a) Sedimentation and erosion shall be maintained onsite. The city engineer or zoning administrator shall have the authority to require the owner(s) to repair onsite erosion and manage siltation before it leaves the property.

(b) Impervious areas greater than ten thousand (10,000) square feet are required to drain through a vegetated buffer of a minimum twenty feet (20') prior to leaving the property. In locations where site outfalls do not exit through vegetated buffers of at least twenty feet (20'), structural BMPs shall be required by the city engineer or zoning administrator.

(c) In areas where a floodplain and floodway have been identified on the most current FEMA maps, the buffer shall be inclusive of all areas within the floodway. Additional buffer width may be required by the city engineer or zoning administrator.

(d) In areas where a floodplain and floodway have not been identified on the most-current FEMA maps, and if the waterway on the United States Geological Quadrangle map is a "blue line" or intermittent "blue line" stream, the buffer shall be at least twenty-five feet (25') perpendicular from each side of the stream bank.

(2) Post-construction maintenance. (a) Maintenance for proposed sites.

(i) Private ownership - In all cases except where the stormwater facilities are under municipal ownership as defined by subsection (b), responsibility for maintenance shall lie with the owner of the facilities. The responsibilities of the owner for post-construction maintenance of the storm water facilities shall be submitted with the plans for determination of their adequacy. Approval of these plans shall be conditioned upon a determination by the city engineer or zoning administrator that such responsibilities are adequately addressed. These terms shall be in writing, subject to recording, and in addition to any other terms deemed necessary to the enforcement of this chapter, contain a provision permitting inspection at any reasonable time by the city. The owner shall also execute a storm water facilities agreement

with the city, a copy of which shall be kept on file in the office of the city engineer or zoning administrator.

(ii) **Municipal ownership** - Where the city has accepted an offer of dedication of the permanent storm water management facilities, the city shall be responsible for maintenance.

(b) **Maintenance for existing sites.** The maintenance responsibility for permanent stormwater runoff control shall be the responsibility of the owner(s) of the property or any previously established ownership group(s). (as added by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-206. Illicit discharges. (1) Prohibition of illicit discharges. Pursuant to the NPDES Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation, non-storm water discharges to the city's MS4 are defined as illegal. Non-storm water discharge means any discharge to the MS4 except as permitted by § 14-206(4) of this chapter.

(2) Prohibition of illegal connections. The construction, use, maintenance or continued existence of illegal connections to the separate municipal storm sewer system is prohibited. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) Accidental spills. In the event of any discharge of a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill," or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the city engineer, zoning administrator or his designee and the field office of the Tennessee Department of Environment and Conservation as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or the discharger becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 immediately to report the discharge. A written report must be provided within five (5) days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the city engineer or zoning administrator for good cause determined on a case-by-case basis, containing the following particulars:

- (a) Description of the discharge,
- (b) Exact times and dates of discharge, and
- (c) Steps being taken to eliminate and prevent recurrence of the discharge.

The discharger shall take all reasonable steps to minimize any adverse impact to the community waters or waters of the state, including such accelerated or additional monitoring as necessary to determine the nature and impact of the

discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impacts that the discharge may cause.

(4) Allowable discharges. Certain non-storm water discharges are allowable, as defined below, into the city's MS4 unless the city engineer or zoning administrator has identified them as a source of pollutants to the "waters of the State of Tennessee." The following non-storm water discharges into the MS4 are allowed:

- (a) Water line flushing or other potable water sources;
- (b) Landscape irrigation or lawn watering with potable water;
- (c) Diverted stream flows;
- (d) Rising ground water;
- (e) Uncontaminated groundwater infiltration to storm drains;
- (f) Pumped uncontaminated groundwater;
- (g) Foundation or footing drains;
- (h) Crawl space pumps;
- (i) Air conditioning condensation;
- (j) Uncontaminated springs;
- (k) Non-commercial washing of vehicles;
- (l) Natural riparian habitat or wetland flows;
- (m) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
- (n) Street washing waters resulting from normal street cleaning operations;
- (o) Controlled flushing of storm water conveyances (controlled by appropriate best management practices);
- (p) Discharges within the constraints of a NPDES permit from the Tennessee Department of Environment and Conservation;
- (q) Fire fighting activities;
- (r) Discharges approved at the discretion of the city engineer or zoning administrator; and,
- (s) Any other uncontaminated water source. (as added by Ord. #2017-105, Feb. 2017 **Ch4_5-21-19**)

14-207. Enforcement. The city may institute appropriate actions or proceedings by law or equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of non-compliance is considered a separate offense; and nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties shall be available to the city in response to violations of this chapter. If the person,

property or facility has or is required to have an NPDES permit from the Tennessee Department of Environment and Conservation, the city shall alert the appropriate state authorities of the violation.

(1) Notice of violation. Whenever the city engineer or zoning administrator finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the city engineer or zoning administrator may serve upon such person a notice of the violation. The city engineer or zoning administrator notice of violation requires the owner/builder/bond insurer to comply with all issues that are stated on the notice of violation. If the listed violations are not corrected at the time of the re-inspection, an additional inspection will be scheduled within five (5) business days, at which time a stop work order may be issued. If a stop work order has been issued, the owner/builder has five (5) days to comply with the notice of violation issues before the city will take all action necessary to insure compliance, including, but not limited to, forfeiting any relevant bond and/or enforcing penalties.

A copy of the notice of violation form is available at Ridgetop City Hall.

(2) Stop work order. When the city engineer or zoning administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city engineer or zoning administrator may issue a stop work order to cease and desist all such work and direct those persons in noncompliance to:

(a) Comply forthwith; or

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

A copy of the stop work order form is available at Ridgetop City Hall.

(3) Revocation of permit. The city engineer or zoning administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked. (as added by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-208. Penalties. The city may institute appropriate actions or proceedings at law or equity for the enforcement of this chapter. Any of the following penalties shall be available to the city in response to violations of this chapter.

(1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses

to comply with any lawful communication or notice to abate or take corrective action by the city engineer or zoning administrator shall be guilty of a civil offense.

(2) Measuring civil penalties. In assessing a civil penalty, the city engineer or zoning administrator may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the municipality;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and,
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

The maximum civil penalties will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.

(a) Development without permit. Maximum five thousand dollars (\$5,000) - To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this chapter.

(b) Development inconsistent with permit. Maximum five thousand dollars (\$5,000.00) - To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

(c) Violation by act or omission. Maximum five thousand dollars (\$5,000.00) - To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the city or its agent departments upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

(d) Illicit discharge. Maximum five thousand dollars (\$5,000.00) - Any person, company or facility who is found to have improperly disposed of any substance that is not defined in 14-206(1)(e) or causes the city to be in noncompliance with any applicable environmental permit.

(e) Household products. Maximum five hundred dollars (\$500.00) - Any person, company or facility who is found to have improperly disposed of any substance not included in § 14-206(1)(e) that was purchased over the counter for household use, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit.

(4) Recovery of costs and damages. In addition to the civil penalties in § 14-208(3), the city may recover:

(a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation;

(b) Costs of the city's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter;

(c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and,

(d) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

In the event there are penalties assessed by the state against the city caused by any person, company or facility, said person, company or facility shall be assessed the equivalent amount of civil penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illegal connection into the municipal separate storm sewer system.

(5) Emergencies. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this chapter. (as added by Ord. #2017-105, Feb. 2017 *Ch4_5-21-19*)

14-209. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or

damage assessment as provided by this chapter may appeal said penalty or damage assessment to the municipality's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within thirty (30) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the municipality's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the municipality shall be final.

(3) Appealing decisions of the municipality's governing body. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #2017-105, Feb. 2017 **Ch4_5-21-19**)

14-210. Severability. Should any article, section, subsection, clause or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable. (as added by Ord. #2017-105, Feb. 2017 **Ch4_5-21-19**)

CHAPTERS 3-9

DELETED

(these chapters were deleted by Ord. #2007-109, Nov. 2007)

CHAPTER 10

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

- 14-1001. Statutory authorization, findings of fact, and objectives.
- 14-1002. Definitions.
- 14-1003. General provisions.
- 14-1004. Administration.
- 14-1005. Provisions for flood hazard reduction.
- 14-1006. Variance procedures.
- 14-1007. Legal status provisions.

14-1001. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Ridgetop, Tennessee, Mayor and the Ridgetop Board of Alderman, do ordain as follows:

(2) Findings of fact. (a) The City of Ridgetop, Tennessee, Mayor and its Board of Alderman 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 City of Ridgetop, 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 ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance 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 floodwaters;

(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 ordinance 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 floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #2021-103, March 2021 *Ch5_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5_12-10-23*)

14-1002. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance 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 ordinance, 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 floodwaters.

(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 floodwaters.

(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 ordinance 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 ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(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 areas of special flood hazard 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 "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 City of Ridgetop, 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 ordinance.

(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 ordinance, 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 collected 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 ordinance 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 connected 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" is 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" 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 ordinance, 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: (a) 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; (b) 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" is where 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 ordinance.

(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 ordinance 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. #2021-103, March 2021 ***Ch5_12-19-23***, and replaced by Ord. #2021-110, Jan. 2022 ***Ch5_12-19-23***)

14-1003. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Ridgetop, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Ridgetop, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 25, 2022 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0415C dated April 16, 2008, 47037C0050H dated April 5, 2017, and 47147C0395D dated February 26, 2021 along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance 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 ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this Ordinance, 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 ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Ridgetop, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance 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 ordinance 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 City of Ridgetop, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2021-103, March 2021 ***Ch5_12-19-23***, and replaced by Ord. #2021-110, Jan. 2022 ***Ch5_12-19-23***)

14-1004. Administration. (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

(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 ordinance.

(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 ordinance.

(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 § 14-1005(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(v) 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:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- 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. 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 shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be 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 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 § 14-1004(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 § 14-1004(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 § 14-1004(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 ordinance.

(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 a 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 City of Ridgeway, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be 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 subsection (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. #2021-103, March 2021 *Ch5_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5_12-19-23*)

14-1005. Provisions for flood hazard reduction. (1) General standards. 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 ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance 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 § 14-1005(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 § 14-1005(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 approximate 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 § 14-1002). 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 § 14-1002).

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 § 14-1004(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 inch (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 floodwaters and all such partitions shall comply with the provisions of § 14-1005(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 § 14-1002).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1005(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 § 14-1005(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 § 14-1003(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 § 14-1005(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 § 14-1005(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 § 14-1003(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 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 § 14-1005(4), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-1003(2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-1003(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 § 14-1005(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 flood proofed to a level of at least three feet (3') above the highest adjacent

grade (as defined in § 14-1002). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1005(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 City of Ridgetop, 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 § 14-1005(1) and (2). Within approximate A Zones, require that those subsections of § 14-1005(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 § 14-1003(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' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 14-1005(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 § 14-1005(6) 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 § 14-1004(2)(a)(iii) and § 14-1005(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 § 14-1003(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1' to 3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 14-1005(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) 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 § 14-1003(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 §§ 14-1004 and 14-1005 shall apply.

(9) Standards for unmapped streams. Located within the City of Ridgeway, 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 §§ 14-1004 and 14-1005.

(c) ONLY if § 14-1005(1)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-1005(1) and (2). (as added by Ord. #2021-103, March 2021 **Ch5_12-19-23**, and replaced by Ord. #2021-110, Jan. 2022 **Ch5_12-19-23**)

14-1006. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Ridgeway, Tennessee Municipal Board

of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(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 alderman.

(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 ordinance. 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 less than fifteen (15) 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 ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Ridgetop, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(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 ordinance 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 ordinance, 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 ordinance, 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 ordinance.

(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 § 14-1006(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. #2021-23, March 2021 *Ch5_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5_12-19-23*)

14-1007. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Ridgetop, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance 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 ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #2021-23, March 2021 *Ch5_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5_12-19-23*)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Adoption of state traffic statutes.
 15-102.--15-122. Repealed.

15-101. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Ridgetop adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §55-8-101 through § 55-8-131, and § 55-8-133 through § 55-8-180. Additionally, the City of Ridgetop adopts Tennessee Code Annotated, § 55-8-181 through § 55-8-193, § 55-9-601 through § 55-9-606, and § 55-12-139, § 55-8-207 by reference as if fully set forth in this section. (1977

¹Municipal code reference

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

²State law references

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

Code, § 9-101, as replaced by Ord. #2006-119, Jan. 2007, and Ord. #2018-102, May 2018 *Ch4_5-21-19*)

15-102.--15-122. Repealed. (1977 Code, sections, as repealed by Ord. #2006-119, Jan. 2007)

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. (1977 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1977 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1977 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1977 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

- 15-301. In general.
- 15-302. Exceptions to 30 M.P.H. speed limit.
- 15-303. At intersections.
- 15-304. In school zones.
- 15-305. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits in which cases the posted speed limit shall apply. (1977 Code, § 9-201)

15-302. Exceptions to 30 M.P.H. speed limit. (1) It shall be unlawful for any person:

(a) To operate or drive a motor vehicle at a rate of speed in excess of forty (40) miles per hour upon U.S. Highway 41 beginning at the southern city limits and ending six hundred feet (600') north of its intersection with State Route 257;

(b) To operate or drive a motor vehicle at a rate of speed in excess of forty five (45) miles per hour upon U.S. Highway 41 beginning six hundred feet (600') north of its intersection with State Route 257 and ending at the northern city limits;

(c) To operate or drive a motor vehicle upon the following listed streets at a rate of speed in excess of twenty five (25) miles per hour:

- (i) Ash Drive
- (ii) Barwood Drive
- (iii) Carver Drive
- (iv) Cobb Street
- (v) Dogwood Drive
- (vi) Highland Avenue
- (vii) Knightengale Acres
- (viii) Lennox Avenue
- (ix) L & N Court
- (x) Lynn Circle
- (xi) Maplewood Drive
- (xii) O'Bryan Avenue
- (xiii) Red Oak Drive
- (xiv) Santa Fe Court
- (xv) Shedden Road

- (xvi) Station Drive
- (xvii) Southern Rail Drive
- (xviii) Tacoma Lane
- (xix) Tinnon Road
- (xx) Valley View Road

(2) **Signs.** All streets listed in this § 15-302 above shall be posted with uniform traffic speed signs indication the designated speed limit on each respective street. (as added by Ord. #99-87, March 1999, and replaced by Ord. #2009-104, Aug. 2009, and Ord. #2021-111, Nov. 2021 ***Ch5_12-19-23***)

15-303. 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. (1977 Code, § 9-202, as renumbered by Ord. #99-87, March 1999)

15-304. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle at a rate of speed in excess of fifteen (15) miles per hour when passing school during recess or while children are going to or leaving school during its opening or closing hours. (1977 Code, § 9-203, as renumbered by Ord. #99-87, March 1999)

15-305. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1977 Code, § 9-204, as renumbered by Ord. #99-87, March 1999)

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 (1977 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1977 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1977 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1977 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1977 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. Upon approach of authorized emergency vehicles.

15-502. When emerging from alleys, etc.

15-503. To prevent obstructing an intersection.

15-504. At "stop" signs.

15-505. At "yield" signs.

15-506. 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. (1977 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1977 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1977 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk 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. (1977 Code, § 9-404)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-505. At "yield" signs. The drivers of all vehicles shall yield the right-of-way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1977 Code, § 9-405)

15-506. 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. (1977 Code, § 9-406)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

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

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

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

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1977 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1977 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1977 Code, § 9-503)

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

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
 - (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1977 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1977 Code, § 9-505)

15-606. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1977 Code, § 9-506)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.
- 15-707. Driver education course.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1977 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1977 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1977 Code, § 9-603, modified)

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

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1977 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1977 Code, § 9-605)

15-706. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For parking violations, the offender may 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 ten (10) days and five dollars (\$5.00) thereafter. (1977 Code, § 9-603, modified)

15-707. Driver education course. 1. A driver education course is established by the City of Ridgetop in accordance with the provisions of Tennessee Code Annotated, § 55-10-301.

2. The driver education course is to be operated by the City of Ridgetop Police Department in cooperation with the City of Ridgetop Municipal Court.

3. The requirement to attend the driver education course shall be at the discretion of the City of Ridgetop municipal judge and may be in addition to or in lieu of any portion of other penalty imposed for the traffic violation.

4. A reasonable fee of \$125.00 shall be assessed for the driver education course to each person who attends, however, no one shall be refused admittance for inability to pay.

5. The driver education course shall be implemented by April 1, 2004. (as added by Ord. #2004-102, March 2004)

TITLE 16**STREETS AND SIDEWALKS, ETC¹****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

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

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1977 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 or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1977 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1977 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 (1977 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. (1977 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 statute. (1977 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. (1977 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. (1977 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. (1977 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

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

securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1977 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1977 Code, § 12-111, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably 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. (1977 Code, § 12-112)

16-113. 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. (1977 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business and said permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-201)

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

¹State law reference

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

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1977 Code, § 12-202)

16-203. Fees. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1977 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder may increase the amount of the said deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1977 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1977 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 city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public

place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1977 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1977 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 city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1977 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1977 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width

at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1977 Code, § 12-210)

TITLE 17**REFUSE AND TRASH DISPOSAL¹****CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Disturbing containers.
- 17-105. Collection.
- 17-106. Collection vehicles.
- 17-107. Disposal.
- 17-108. Permit fee required for private collection.

17-101. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1977 Code, § 8-201)

17-102. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1977 Code, § 8-202)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons. 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

¹Municipal code reference

Property maintenance regulations: title 13.

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. (1977 Code, § 8-203)

17-104. 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. (1977 Code, § 8-205)

17-105. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the board of mayor and aldermen shall designate. Collections shall be made regularly in accordance with an announced schedule. (1977 Code, § 8-206)

17-106. 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. (1977 Code, § 8-207)

17-107. 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. (1977 Code, § 8-208)

17-108. Permit fee required for private collection.¹ The board of mayor and aldermen may from time to time establish a schedule of permit fees for the private collection of garbage. (1977 Code, § 8-209)

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

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. WATER.
4. SEWER USE ORDINANCE.
5. SEWER BILLING AND COLLECTION.
6. ANIMAL AND VEGETABLE FATS, OILS, AND GREASE.

CHAPTER 1

SEWAGE AND HUMAN EXCRETA DISPOSAL²

SECTION

- 18-101. Definitions.
- 18-102. Places required to have sanitary disposal methods.
- 18-103. When a septic tank shall be used.
- 18-104. Registration and records of septic tank cleaners, etc.
- 18-105. Use of pit privy or other method of disposal.
- 18-106. Approval and permit required for septic tanks, privies, etc.
- 18-107. Owner to provide disposal facilities.
- 18-108. Occupant to maintain disposal facilities.
- 18-119. Only specified methods of disposal to be used.
- 18-110. Discharge into watercourses restricted.
- 18-111. Pollution of ground water prohibited.
- 18-112. Enforcement of chapter.
- 18-113. Carnivals, circuses, etc.
- 18-114. Violations.

18-101. Definitions. The following definitions shall apply in the interpretation of this chapter:

- (1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (2) "Human excreta." The bowel and kidney discharges of human beings.

¹Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

²Municipal code reference

Plumbing code: title 12, chapter 2.

(3) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(4) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(5) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(6) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1977 Code, § 8-301)

18-102. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1977 Code, § 8-302)

18-103. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1977 Code, § 8-304)

18-104. Registration and records of septic tank cleaners, etc.

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1977 Code, § 8-305)

18-105. Use of pit privy or other method of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1977 Code, § 8-306)

18-106. Approval and permit required for septic tanks, privies, etc.

Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1977 Code, § 8-307)

18-107. Owner to provide disposal facilities.

It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner, to provide such facilities. (1977 Code, § 8-308)

18-108. Occupant to maintain disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1977 Code, § 8-309)

18-109. Only specified methods of disposal to be used.

No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1977 Code, § 8-310)

18-110. Discharge into watercourses restricted.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1977 Code, § 8-311)

18-111. Pollution of ground water prohibited.

No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1977 Code, § 8-312)

18-112. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1977 Code, § 8-313)

18-113. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1977 Code, § 8-314)

18-114. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1977 Code, § 8-315)

CHAPTER 2

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 18-201. Definitions.
- 18-202. Regulated.
- 18-203. Statement required.
- 18-204. Violations.

18-201. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical arrangement whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1977 Code, § 8-401)

18-202. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

of same have been approved by the Tennessee Department of Health, and the operation of such cross-connection, auxiliary intake, by-pass or interconnection is at all times under the direct supervision of the Mayor of the City of Ridgetop, Tennessee. (1977 Code, § 8-402)

18-203. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the mayor, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction of same have received the approval of the Tennessee Department of Health, and the operation and maintenance of same have been placed under the direct supervision of the mayor. (1977 Code, § 8-403)

18-204. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the mayor. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the mayor shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1977 Code, § 8-404)

CHAPTER 3

WATER

SECTION

18-301. To be furnished under franchise.

18-301. To be furnished under franchise. The public water supply shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the city, its inhabitants, and the grantees of the franchises shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.¹ (1977 Code, § 13-101)

¹The agreements are of record in the office of the city recorder.

CHAPTER 4

SEWER USE ORDINANCE

SECTION

- 18-401. Definitions.
- 18-402. Sewer system use regulations.
- 18-403. Industrial waste discharges.
- 18-404. Private sewage disposal systems.

18-401. Definitions. 1. In general. a. For purposes of this chapter, the following phrases and words shall have the meanings assigned below, except in the instances where the context clearly indicates a different meaning.

b. Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Prior code § 40-1-5 (a) (part), (c)).

2. Abbreviations. The following abbreviations shall have the following meanings:

- "BOD" means biochemical oxygen demand.
- "CFR" means Code of Federal Regulations.
- "COD" means chemical oxygen demand.
- "EPA" means Environmental Protection Agency.
- "GMP" means good management practices.
- "l" means liter.
- "MBAS" means methylene-blue-active substances.
- "mg" means milligram.
- "mg/l" means milligrams per liter.
- "NPDES" means national pollutant discharge elimination system.
- "POTW" means publicly owned treatment works.
- "SIC" means standard industrial classification.
- "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- "U.S.C." means United States Code. (Prior code § 40-1-5(b)).

3. "Act or the Act." Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Prior code § 40-1-5(a)(1)).

4. "Approval authority." Approval authority means the state 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. (Prior code § 40-1-5(a)(2)).

5. "Authority." Authority means City of Ridgetop. (Prior code § 40-1-5(a)(3)).

6. "Authorized representative of industrial user." An authorized representative of an industrial user may be:

a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates. (Prior code § 40-1-5(a)(4)).

7. "Building sewer." Building sewer means a sewer conveying wastewater from the premises of a user to a community sewer. (Prior code § 40-1-5(a)(5)).

8. "Categorical standards." Categorical standards means national pretreatment standards. (Prior code § 40-1-5(a)(6)).

9. "Community sewer." Community sewer means any sewer containing wastewater from more than one premises. (Prior code § 40-1-5(a)(7)).

10. "Compatible pollutant." Compatible pollutant means biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. (Prior code § 40-1-5(a)(8)).

11. "Control authority." The term control authority shall refer to the approval authority defined in § 18-401(4) or the director of the metropolitan department of water and sewerage services if Metro has an approved pretreatment program under the provisions of 40 CFR 403.11. (Prior code § 40-1-5(a)(9)).

12. "Direct discharge." Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state of Tennessee. (Prior code § 40-1-5(a)(10)).

13. "Director." Director means the director of the City of Ridgetop.

14. "Domestic sewage." Domestic sewage means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

BOD ₅	300 mg/l
COD	500 mg/l
Suspended solids	325 mg/l
Ammonia nitrogen	30 mg/l
pH	6.0-9.0

Oil and grease 50 mg/l
(Prior code § 40-1-5(a)(12)).

15. "Environmental Protection Agency." Environmental Protection Agency or EPA means the Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency. (Prior code § 40-1-5(a)(13)).

16. "Grab sample." Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. (Prior code § 40-1-5(a)(14)).

17. "Holding tank waste." Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks. (Prior code § 40-1-5(a)(15)).

18. "Incompatible pollutant." Incompatible pollutant means all pollutants other than compatible pollutants as defined in section (10) of this chapter. (Prior code § 40-1-5(a)(16)).

19. "Indirect discharge." Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state. (Prior code § 40-1-5(a)(17)).

20. "Industrial user." Industrial user means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of this Act. This term shall also include all dischargers of wastes having characteristics other than those of domestic sewage as defined in § 18-401(14). (Prior code § 40-1-5(a)(18)).

21. "Interference." Interference means inhibition or disruption of the sewer system, treatment processes or operations or which contributes to a violation of any requirement of Metro's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the 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 POT.W. (Prior code § 40-1-5(a)(19)).

22. "Mass emission rate." Mass emission rate means the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents. (Prior code § 40-1-5(a)(20)).

23. "Maximum concentration." Maximum concentration means the maximum amount of a specified pollutant in a volume of water or wastewater. (Prior code § 40-1-5(a)(21)).

24. "Metro." Metro means the metropolitan government of Nashville and Davidson County, Tennessee. (Prior code § 40-1-5(a)(22)).

25. "National pollution discharge elimination system permit." National pollution discharge elimination system or NPDES permit means a permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342). (Prior code § 40-1-5(a)(25)).

26. "National pretreatment standards." National pretreatment standards or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. (Prior code § 40-1-5(a)(23)).

27. "New source." New source means any source the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty days after proposal, a new source means any source the construction of which is commenced after the date of promulgation of the standard. (Prior code § 40-1-5(a)(24)).

28. "Person." Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. (Prior code § 40-1-5(a)(26)).

29. "Pollution." Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water. (Prior code § 40-1-5(a)(27)).

30. "Premises." Premises means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the director to be a single user for purposes of receiving, using and paying for services. (Prior code § 40-1-5(a)(28)).

31. "Pretreatment." Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). (Prior code § 40-1-5(a)(29)).

32. "Pretreatment requirements." Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (Prior code § 40-1-5(a)(30)).

33. "Publicly owned treatment works." Publicly owned treatment works or POTW means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by Metro. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the metropolitan government of Nashville and Davidson County, a municipality, as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. (Prior code § 40-1-5(a)(31)).

34. "Reclaimed water." Reclaimed water means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise. (Prior code § 40-1-5(a)(32)).

35. "Standard industrial classification." Standard industrial classification means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972. (Prior code § 40-1-5(a)(33)).

36. "Toxic pollutant." Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317. (Prior code § 40-1-5(a)(34)).

37. "Treatment works." Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems. (Prior code § 40-1-5(a)(35)).

38. "Twenty-four-hour, flow proportional composite sample." Twenty-four-hour, flow proportional composite sample means a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample. (Prior code § 40-1-5(a)(36)).

39. "Unpolluted water." Unpolluted water means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the state of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters. (Prior code § 40-1-5(a)(37)).

40. "User." User means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer. (Prior code § 40-1-5(a)(38)).

41. "Waste." Waste means and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal. (Prior code § 40-1-5(a)(39)).

42. "Wastewater." Wastewater means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer. (Prior code § 40-1-5(a)(40)).

43. "Wastewater constituents and characteristics." Wastewater constituents and characteristics means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater. (Prior code § 40-1-5(a)(41)).

44. "Waters of the state of Tennessee." Waters of the state of Tennessee means any water, surface or underground, within the boundaries of the state. (Prior code § 40-1-5(a)(42)). (as added by Ord. #97-62, Sept. 1997)

18-402. Sewer system use regulations. 1. Compliance with plumbing code required. All connections to the public sanitary sewerage system shall be in full accord with the plumbing code or other applicable provisions of this chapter or other ordinances of the City of Ridgetop.

2. Regulation and enforcement-authority of director. The director is authorized and directed to promulgate and enforce such rules and regulations as he may deem necessary for the enforcement of this chapter and for the safe, economical and efficient management, control and protection of the government's public sanitary sewerage system, such rules and regulations to be consistent with the intent and objectives of this chapter. (Prior code § 40-1-174).

3. Connection required-existing buildings. All persons owning any occupied building now erected within the general services district, upon premises accessible to the public sanitary sewerage system, shall, if not already connected, at their own expense, make connection with the sanitary sewerage system within sixty days after notice to do so from the department. (Prior code § 40-1-175).

4. Connection required-at time of erection. All persons owning any premises within the general services district accessible to the public sanitary sewerage system, upon which a building is hereafter erected, shall, at the time of erection of such building, and at their own expense, make the connection with the public sanitary sewage system. (Prior code § 40-1-176).

5. Connection required-when sewer becomes accessible. All persons owning any occupied building within the general services district upon premises which hereafter become accessible to the public sanitary sewerage system shall, at their own expense, make the connection with the public sanitary sewerage

system within sixty days after notice to do so from the department or its authorized representative. (Prior code § 40-1-177).

6. Notice to connect-accrual of charges upon expiration of notice.

a. Within sixty days after being notified to do so in writing by the director, by means of a letter sent to either the owner or the occupant of the land by United States mail as certified or registered mail, the owner, tenant or occupant of each lot or parcel of land upon which a building exists for residential, commercial or industrial use and which lot or parcel of land either abuts upon a street or public way containing sanitary sewer or which has a sanitary sewer upon or adjoining it shall connect such building to the sanitary sewer and shall cease to use any other means for the disposal of sewage, sewage waste or other polluting matter. The sixty-day period within which the sewer connection shall be made shall begin on the date of the notice mailed to the owner or occupant of the lot or parcel of land concerned, or from the date of the postmark of such notice, whichever date is later, unless a later date is prescribed in the notice itself, in which case such later date shall be the date on which the sixty-day period shall begin.

b. When the owner or occupant of a lot or parcel of land in one of the categories described in subsection (a) of this section has been notified to connect a building or buildings on his land to a sanitary sewer, the charge for sewerage services shall begin to accrue on the day following the expiration of the sixty-day notice provided for in this section at the established rates therefor, regardless of whether the sewer connection has been made as required by the notice, and the first charge for sewerage services shall be prorated for the period from the date the charges accrue until the next date thereafter upon which the water meter is read. The charges for sewerage services which shall accrue by reason of this section shall be billed periodically by a combined water and sewerage services bill, as provided in section 15.48.060.

c. The failure to pay the combined bill for water and sewerage services shall render the bill delinquent as provided by § 18-402(23), and payment of the combined bill may be enforced by discontinuing either the water service or the sewer service or both. (Prior code § 40-1-178).

7. Privies, cesspools and sinkholes prohibited-violation constitutes a nuisance.

a. It is unlawful for any person owning any occupied building within the general services district, on premises accessible to the public sanitary sewerage system, to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage.

b. Any person who erects, constructs or maintains a privy, cesspool, sinkhole or septic tank or other receptacle for receiving sanitary sewage on any property within the general services district accessible to

the public sewerage system in violation of this section shall be deemed to be erecting, constructing and maintaining a nuisance, which nuisance the metropolitan government is authorized and directed to abate in a manner provided by law. (Prior code § 40-1-180).

8. Discharge of garbage prohibited. The discharge of garbage to the public sanitary sewerage system is prohibited, unless such garbage is properly shredded. (Prior code § 40-1-181).

9. Stormwater-runoff to sanitary sewers prohibited. The discharge of stormwater runoff to separate sanitary sewers is prohibited. (Prior code § 40-1-182).

10. Stormwater-prevention of runoff to separate sewers. All persons connecting to the public sanitary sewerage system shall provide adequate means for excluding stormwater runoff in the event connection is made to separate sanitary sewers. (Prior code § 40-1-183).

11. Stormwater-discharge to combined sewers or natural watercourses. The provisions of this chapter shall not be construed to prohibit the present or future discharge of stormwater runoff into combined sewers or directly to natural watercourses within the general services district. (Prior code § 40-1-184). (as added by Ord. #97-62, Sept. 1997)

18-403. Industrial waste discharges. 1. Purposes of chapter.

a. The purpose of this chapter is to set uniform requirements for users of City of Ridgetop wastewater collection system and treatment works to enable Metro to comply with the provisions of the Clean Water Act and other applicable state laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into Metro's wastewater collection system and treatment works.

b. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise incompatible with the treatment works; and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a hearing authority and

establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. (Prior code § 40-1-185).

2. Discharges to publicly owned treatment works. a. Purpose of article-specifications subject to review. This article establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in § 18-403(2)(f), and other prohibitions and limitations of this chapter, are subject to change to enable Metro to provide efficient wastewater treatment to protect the public health and the environment, and to enable Metro to meet requirements contained in its NPDES permit. The hearing authority shall review said limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost-effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the director as necessary. (Prior code § 40-1-186(a)).

b. Construction of pretreatment plants-plans-permits. Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review said plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of said pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct said pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director. (Prior code § 40-1-186(o)).

c. Construction and maintenance of pretreatment facilities. Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in sections § 18-403(2)(e), (f), and (g) to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations

contained in the user's wastewater discharge permit. (Prior code § 40-1-186(n)).

d. Compliance with national pretreatment standards required when. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard and shall also comply with any additional or more stringent limitations contained in this chapter or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard. (Prior code § 40-1-186(d)).

e. Wastewater evaluation criteria. i. The wastewater of every industrial user shall be evaluated upon the following criteria:

(1) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

(2) Wastewater causing a discoloration or any other condition in the quality of Metro's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(3) Wastewater causing conditions at or near Metro's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

(4) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(5) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for

reclamation and reuse or causing interference with the reclamation process;

(6) Wastewater having constituents and concentrations in excess of those listed in § 18-403(2)(f) or cause a violation of the limits in § 18-403(2)(h).

ii. The director shall recommend and the hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter. (Prior code § 40-1-186(c)).

f. Wastewater pollutants-maximum concentrations. No person or user shall discharge wastewater in excess of the concentration set forth in the table below unless:

i. An exception has been granted the user under the provisions of § 18-403(2)(g); or

ii. The wastewater discharge permit of the user provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Parameter	Maximum Concentration mg/l 24-Hour Flow Proportional Composite Sample	Maximum Instantaneous Concentration mg/l Grab Sample
Ammonia nitrogen	30	60
BOD	300	600
COD	500	1,000
Suspended solids	325	650
Arsenic (As)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chlorinated hydrocarbons	50	100
Chromium-Total (Cr)	5.0	10.0

Parameter	Maximum Concentration mg/l 24-Hour Flow Proportional Composite Sample	Maximum Instantaneous Concentration mg/l Grab Sample
Chromium-Hexavalent (Cr ⁺⁶)	0.05	0.10
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hb)	0.1	0.2
Nickel (Ni)	5.0	10.0
Selenium (Se)	1.0	2.0
Silver (Ag)	5.0	10.0
Zinc (Zn)	5.0	10.0
Oil and grease (freon extractable)	50.0	100.0

(Prior code § 40-1-186(l)).

g. Prohibited pollutants. i. No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

(1) Pollutants which could create a fire or explosion hazard in the POTW;

(2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

(3) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds forty degrees Celsius (one hundred four degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Celsius (one hundred fifty degrees Fahrenheit).

ii. The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to § 18-403(2)(f) and (h) or the industrial user's permit. (Prior code § 40-1-186(b)).

h. Treatment plant influent pollutants-maximum concentrations. The director shall monitor the treatment works influent for each parameter in the following table. The industrial users shall be subject to the reporting and monitoring requirements set forth in § 18-403(2)(r), 18-403(4)(a) and (b) as to those parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

Parameters	Maximum Concentration mg/l (24-Hour Flow) Composite Sample
Ammonia nitrogen	30.0
Arsenic (As)	0.10
Boron (B)	2.0
Cadmium (Cd)	0.01
Chromium-Total (Cr)	1.5

Parameters	Maximum Concentration mg/l (24-Hour Flow) Composite Sample
Copper (Cu)	0.05
Cyanide (CN)	0.10
Iron (Fe)	5.00
Lead (Pb)	0.10
Manganese (Mn)	10.0
Mercury (Hg)	0.1
Nickel (Ni)	0.3
Phenols	4.0
Silver (Ag)	5.0
Zinc (Zn)	1.3
Chlorinated hydrocarbons	5.0
BOD	300.0
COD	500.0
Suspended solids	325.0

(Prior code § 40-1-186(m)).

i. Unpolluted stormwater prohibited-exceptions. Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof. (Prior code § 40-1-186(e)).

j. Unpolluted water prohibited-exceptions. Unpolluted water, including but not limited to cooling water on process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in § 18-403(2)(i). (Prior code § 40-1-186(f)).

k. Waste from garbage grinders prohibited-exceptions.

i. Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of

food consumed on the premises, and then only where applicable fees therefor are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

ii. This section shall not apply to domestic residences. (Prior code § 40-1-186(h)).

l. Liquid waste transport trucks-permit requirements.

i. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

ii. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

iii. Such permits shall be valid for a period of one year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

iv. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

v. The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

vi. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

vii. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit. (Prior code § 40-1-186(j)).

m. Holding tank waste-permit required when. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit

shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Prior code § 40-1-186(k)).

n. Radioactive waste prohibited-exceptions. No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

i. When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

ii. When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

iii. When a copy of permits received from said regulatory agencies have been filed with the director. (Prior code § 40-1-186(g)).

o. Direct discharge into manhole-permit required. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the user shall be required to pay applicable charges and fees therefor. (Prior code § 40-1-186(i)).

p. Accidental discharge-safeguards-special permit conditions for past offenders. i. 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 area, and from diked areas or holding ponds of any waste regulated by this chapter.

ii. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special

conditions shall be developed by the user and submitted to the director for review under the provisions of § 18-403(2)(b). (Prior code § 40-1-186(p)).

q. Temporary exceptions-procedure. i. Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength parameters listed in §18-403(3) of this chapter to apply for and receive a temporary exception to the discharge level for one or more parameters.

ii. Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have been submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

iii. Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to subsection E of this section.

iv. Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty days following notification by the director to correct such deficiencies. This thirty-day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

v. Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(1) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in § 18-403(3) and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(2) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant

an exception only if such exception may be granted with the limitations of applicable federal regulations.

(3) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(4) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

(5) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by Metro or which would cause Metro to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345).

(6) The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(7) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(8) The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(9) The authority may consider 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.

(10) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for

an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-403(3); however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(11) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the authority that he is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP's include but are not limited to preventative operating and maintenance procedures, schedules of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw sewage material storage.

(12) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

(13) Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in § 18-403(4)(d) shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(14) Additional cost and expense. (a) The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by Metro for transmission and treatment of such substances.

(b) The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

(c) Such charge for the BOD, suspended solids, and oil and grease will be computed using the following formula:

Surcharge (\$)/P = 8.34 X (F) X (TC) X (Pa-Pm)

Surcharge (\$) total = Surcharges of BOD₅ +
suspended solids and grease

P-parameter: BOD₅ or suspended solids or grease.

F-flow in millions of gallons per day.

TC-treatment costs for servicing POTW per pound of
parameter

Pa-parameter, actual.

Pm-Parameter, maximum.

(d) Charges for other pollutants will be computed on a case-by-case basis. (Prior code § 40-1-187, Part II (a)-(i)).

r. Dangerous discharge-emergency procedures.

i. Telephone notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the director immediately by telephone. In the absence of the director, notification shall be given to the Metro employee then in charge of the treatment works.

ii. Written report. Within five days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

iii. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Prior code § 40-1-188, Part II (a)-(c)).

3. Discharge permits. a. Applicability of article. The provisions of this chapter are applicable to all industrial users of the POTW. At the time of the enactment of this section, the Metropolitan Government of Nashville and Davidson County does not have an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR Section 403.3(d); and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Pretreatment Standard" as that term is defined in 40 CFR Section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards. (Prior code § 40-1-187, Part I (a)).

b. Application requirements. All industrial users of the POTW prior to discharging nondomestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in § 18-403(3)(c). All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location and elevation; and the user shall submit to the director revised plans whenever alterations or additions to the user's premises affect said plans. Any currently connected user discharging waste other than domestic waste who has not heretofore filed such a report shall file the same with the director prior to twelve months from adoption of this chapter (October 7, 1980). All correspondence to Metro required by this chapter shall be addressed to the Industrial Compliance Section, Metro Department of Water and Sewerage Services, Central Wastewater Treatment Plant, 1600 Second Avenue, North, Nashville, Tennessee. (Prior code § 40-1-187, Part I (b)).

c. Application-report requirements. i. The report required by § 18-403(3)(b) above or other provisions of this title for all industrial users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (A) through (E) of subsection (ii) below. Industrial users subject to national pretreatment standards shall submit to the director a report which contains the information listed in subsection (ii) below within one hundred eighty days after the promulgation by the Environmental

Protection Agency of a national pretreatment standard under Section 307(b) or (c) of the Act or prior to twelve months from adoption of this title where such national pretreatment standards have been promulgated prior to the effective date of this title; provided that industrial users subject to the requirements of 40 CFR Section 403.12 may file with the director a copy of a report submitted to the "control authority," as defined in said section, in lieu of the report herein provided. Industrial users who are unable to achieve a discharge limit set forth in § 18-403(2) of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection (ii) of this section.

ii. As specified hereinabove, the report shall contain all or applicable portions of the following:

- (1) The name and address of the industrial user,
- (2) The location of such industrial user,
- (3) The nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user;

- (4) The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;

- (5) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard; if an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the director for approval;

- (6) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-401(6) and certified by a qualified professional, who shall be approved in writing by Metro, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

- (7) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the

shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

iii. For purposes of this section, when the context so indicates, the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user's discharging any incompatible pollutant regulated by § 18-403(2) of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-403(2) of this chapter. (Prior code § 40-1-187, Part I (c)).

d. Incomplete applications-notice to correct-denial. The director will act only on applications that are accompanied by a report which contains all the information required in § 18-403(3)(c). Persons who have filed incomplete applications will not be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty days to correct the deficiency. If the deficiency is not corrected within thirty days or within such extended period as allowed by the director, the director shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action. (Prior code § 40-1-187, Part I (d)).

e. Application-recommendation of special conditions. Upon receipt of complete applications, the director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this title and all other applicable ordinances, laws and regulations. The director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- i. Pretreatment requirements;
- ii. The average and maximum wastewater constituents and characteristics;
- iii. Limits on rate and time of discharge or requirements for flow regulations and equalization;
- iv. Requirements for installation of inspection and sampling facilities;
- v. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;

vi. Requirements for submission of technical reports or discharge reports;

vii. Requirements for maintaining records relating to wastewater discharge;

viii. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-403(2) of this chapter) are proposed or present in the user's wastewater discharge;

ix. Other conditions as deemed appropriate by the director to ensure compliance with this title or other applicable ordinance law or regulation;

x. A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance;

xi. Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;

xii. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer. (Prior code § 40-1-187, Part I (e)).

f. Special permit conditions-notice to applicant-procedure to file objections. i. Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

ii. The applicant shall have forty-five days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen days following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

iii. If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided. (Prior code § 40-1-187, Part I (f)).

g. Unresolved disputes-hearing. i. In the event the director cannot issue a wastewater discharge permit pursuant to § 18-403(3)(f),

the director shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

ii. The authority shall schedule a hearing within ninety days following the meeting referred to in subsection (i) unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

iii. The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

iv. Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly. (Prior code § 40-1-187, Part I (g)).

h. Compliance schedule and reports-requirements. The following conditions shall apply to the schedule required by § 18-403(3)(c), (e) or (g) of this section:

i. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

ii. No increment referred to in subsection (i) shall exceed nine months.

iii. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority and the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority and the director.

iv. Within ninety days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the control authority and the director 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 industrial user 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 operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in § 18-401(6), and certified to by a qualified professional.

v. (1) Any industrial 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, or subject to a final compliance date in his permit, shall submit to the control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in § 18-403(3)(c)(ii)(D). At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

(2) The control authority or the director, as applicable, may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (v)(A) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

vi. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by

§§ 18-403(2)(a) through 18-403(2)(p) of this chapter, by the industrial user.

vii. The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits where requested by the control authority or the director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency, or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

viii. Any industrial user required by this section to submit a similar report to the control authority under the provisions of 40 CFR Section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control authority. (Prior code § 40-1-187, Part I (h)).

i. Records of monitoring activities required-contents. Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include all samples:

- i. The date, exact place, method and time of sampling and the names of the persons taking the samples;
- ii. The dates analyses were performed;
- iii. Who performed the analyses;
- iv. The analytical techniques/methods used; and
- v. The results of such analyses. (Prior code § 40-1-187, Part I (i)).

j. Records of monitoring activities-retention for four years-subject to inspection. Any industrial user subject to the reporting requirements established in this article shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspections and copying by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency.

This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency. (Prior code § 40-1-187, Part I (j)).

k. Term-renewal-modifications. i. Wastewater discharge permits shall be issued for a period of three years. Original permits may be issued for a period between two and three years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to § 18-403(2)(q), shall be issued for a period of one year.

ii. Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

iii. A user must apply in writing for a renewal permit within the period of time not more than ninety days and not less than thirty days prior to expiration of the current permit.

iv. Limitations or conditions of a permit are subject to modification or change due to changes in applicable water quality standards, changes in Metro's NPDES permit, changes in § 18-403(2)(f) and (h), changes in other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director at least thirty days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter (Prior code § 40-1-187, Part I (k)).

l. Transfer-approval required. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user or for different premises unless approved by the director. (Prior code § 40-1-187, Part I (l)).

m. Revocation. Any permit issued under the provisions of this article is subject to be modified, suspended or revoked in whole or in part during its term for cause, including but not limited to the following:

i. Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;

ii. Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. (Prior code § 40-1-187, Part I (m)).

4. Administration and enforcement. a. Director--authority and responsibilities.

i. Responsibilities and assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

ii. Authority. The director shall have the authority to enforce all sections of this title. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

iii. Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the Metro hearing authority.

iv. Metro hearing authority. The director shall attend all meetings of the Metro hearing authority, or whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist said authority in the administration of this title.

v. The director shall notify industrial users identified in 40 CFR Section 403.8(f) (2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Section 3001 (42 U.S.C. 6921, 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the director to so notify industrial users shall not relieve such users from the responsibility of complying with said requirements.

vi. The director shall comply with all applicable public participation requirements of Section 101(e) of the Act (33 U.S.C. 1251(e)) and 40 C.F.R. part 105 in the enforcement of national pretreatment standards. The director shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve months which at least once were not in compliance with the

applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of § 18-403(2)(q). (Prior code § 40-1-189).

b. Monitoring and inspections. i. Whenever required to carry out the objective of this title, including but not limited to developing or assisting in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition under this title; determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; or any requirement established under this chapter:

(1) The director shall require any industrial user to:

- (a) Establish and maintain such records;
- (b) Make such reports;
- (c) Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;
- (d) Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;
- (e) Provide such other information as he may reasonably require; and

(2) The director or his authorized representative, upon presentation of his credentials:

- (a) Shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection 1 of this section are located; and
- (b) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (A) and sample any effluents which the owner or

operator of such source is required to sample under subsection (A).

ii. Any records, reports or information obtained under this section:

(1) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

(2) Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

iii. Specific requirements under the provisions of subsection (i)(A) of this section shall be established by the director, or the authority as applicable, for each industrial user; and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review said plans within forty-five days and shall recommend to the user any change he deems appropriate.

iv. Upon approval of plans as specified in subsection (iii), the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

v. In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. (Prior code § 40-188, Part I (a)-(e)).

c. Metro hearing authority. i. There is established an authority of five members to be known as the Metro hearing authority.

ii. Composition. (1) Voting membership. The hearing authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing authority:

	Representative Group	Length of First Term Appointment (years)
(a)	Major industry (one)	1
(b)	Tributary utility districts (one, rotating)	1
(c)	Private citizenry (one)	2
(d)	Technical/science (one)	2
(e)	Financial (one)	12

(2) Ex officio membership. The following representatives shall constitute the ex officio membership of the hearing authority and shall serve a continuous term:

(a) Representative of the areawide waste treatment management plan policy committee;

(b) Representative of the Tennessee Department of Public Health Division of Water Quality Control;

(c) The director of water and sewerage services, metropolitan government, who shall serve as secretary of the hearing authority.

iii. Provisions. (1) The appointed members shall serve a first term of one or two years per subsection (ii)(A). Subsequent appointments shall be for a two-year term.

(2) Members may be removed from the hearing authority by the mayor, with councilmanic approval, for continued absence from meetings, physical disability or other just cause.

(3) The hearing authority shall convene within ten days after its appointment, at which time the chairmen and vice chairmen shall be elected from its members.

(4) Member shall comply with chapter 11, §§ 11.101 through 11.108, inclusive, of the charter of the metropolitan government.

(5) In the event of a conflict of interest involving any voting member of the hearing authority, the ex officio member from the state shall temporarily replace said voting member and assume his voting status until said conflict is adjudicated.

iv. General duties. In addition to any other duty or responsibility otherwise conferred upon the board by this title, the authority shall have the duty and power as follows:

(1) To recommend from time to time to the metropolitan council that it amend or modify the provisions of this title;

(2) To grant exceptions pursuant to the provisions of § 18-403(2)(q), and to determine such issues of law and fact as are necessary to perform this duty;

(3) To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

(4) To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(5) To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(6) To request assistance from any officer, agent or employee of the metropolitan government to obtain such information or other assistance as the authority might need;

(7) The authority acting through its chairmen shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the authority.

(8) The chairman, vice chairman or chairmen pro tem shall be authorized to administer oaths to those persons giving testimony before the authority;

(9) The authority shall hold regular meetings, normally one per calendar month, and such special meetings as the board may find necessary;

(10) Four members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day. (Prior code § 40-190, Part I (a)-(c)).

d. Adjudicatory hearing procedures. i. The Metro hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

ii. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have said hearing recorded stenographically, but in such event the record need not be transcribed unless any part seeks judicial review of the order or action of the authority by common law writ of certiorari; and in such event the parties seeking such judicial review shall pay for the transcription and provide the authority with the original of the transcript so that it may be certified to the court.

iii. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of Metro. If the witness does not reside in Metro, the chairman shall issue a written request that the witness attend the hearing.

iv. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

v. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make

such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the authority. The authority, the director, or his representative, and all parties shall have the right to examine any witness. The authority shall not be bound by or limited to rules of evidence applicable to legal proceedings.

vi. Any person aggrieved by any order or determination of the director may appeal said order or determination reviewed by the authority under the provisions of this section. A written notice of appeal shall be filed with the director and with the chairman, and said notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing said appeal. A special meeting of the authority may be called by the chairman upon the filing of such appeal, and the authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of § 18-403(4)(i) through (m) shall not be subject to review under this section.

vii. The vice chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

viii. Any person aggrieved by any final order of determination of the authority hereunder shall have judicial review by common law writ of certiorari. (Prior code § 40-190, Part II (a)-(h)).

e. Violation-public nuisance. Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided herein. (Prior code § 40-190.1, Part I (a)).

f. Violation-notice. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (Prior code § 40-190.1, Part I (b)).

g. Conciliation process. The director may, but shall not be required to, invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. Such additional meetings as the director and the user deem advisable may be held to resolve the problem. If the user and the director can agree to appropriate remedial and preventative measures, they shall commit

such agreement to writing with provisions for a reasonable compliance schedule; and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within sixty days, the director shall institute such other actions as he deems advisable to ensure the user's compliance with the provisions of this title or other law or regulation. (Prior code § 40-190.1, Part I (c)).

h. Show-cause hearing. The director may issue a show-cause notice to the user directing the user to appear before the Metro hearing authority at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the user's wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the user of the general nature of the recommendations he shall make to the authority. If the director seeks to suspend or revoke the user's wastewater discharge permit, he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty days prior to the scheduled hearing date. (Prior code § 40-190.1, Part I (d)).

i. Citation to city court. The director may cite the user to the general sessions court of Davidson County for violation of any provision of this title or other ordinance. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this title. (Prior code § 40-190.1, Part I (e)).

j. Injunctive relief. Upon resolution the director shall in the name of Metro file in circuit or chancery court of Davidson County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by Metro as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by Metro. (Prior code § 40-190.1, Part I (f)).

k. Assessment of damage to user. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to Metro, the director shall assess the expenses incurred by Metro to clear the obstruction,

repair damage to the facility, and any other expenses or damages incurred by Metro. The director shall file a claim with the user or any other person causing or suffering said damages to incur, seeking reimbursement for any and all expenses or damages suffered by Metro. If the claim is ignored or denied, the director shall notify Metro's attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by Metro. (Prior code § 40-190.1, Part I (g)).

l. Applicability of state and federal regulations. In addition to other remedies for enforcement provided in this article, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. (Prior code § 40-190.1, Part I (h)).

m. 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 director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the mayor of metropolitan Nashville of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of Metro or in their absence such elected officials of Metro as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (Prior code § 40-190.1, Part I (i)).

n. Punitive action-confirmation of authority required except when. The director shall report to the authority his intent to institute any action under the provisions of §§ 18-403(4)(i),(j) and (l) and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable. (Prior code § 40-190.1, Part I (j)).

o. Violations-penalties. i. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed five hundred dollars. Each separate violation shall constitute a

separate offense and upon conviction, each day shall constitute a separate offense.

ii. In addition to any other power granted to it by this title, the Metro hearing authority is granted the authority to assess civil penalties in accordance with state law. (as added by Ord. #97-62, Sept. 1997)

18-404. Private sewage disposal systems. 1. Health regulations-adopted by reference. Rules and regulations of the commissioner of the Tennessee Department of Public Health, which became effective July 10, 1974, are adopted and incorporated into this chapter as regulations governing private sewage disposal systems of the metropolitan government by reference, as fully as though copied into this chapter. Where a provision of this chapter is found to be in conflict with a provision found in the rules and regulations of the metropolitan board of health, the provisions as promulgated by the commissioner of the Tennessee Department of Public Health as found in this chapter shall prevail. (Prior code, § 20-1-160.1).

2. Private connections permitted when. a. Sewage from any building or premises shall be discharged directly into the municipal sewage disposal system or into a facility connected with such municipal system, but if there is no public sewer or other part of the municipal sewage disposal system to which connection can be made from the building or premises concerned or if it is impracticable to discharge sewage from such building or premises into the municipal system, a private sewage disposal system may be used.

b. In the event any building or premises fails to connect with an available public sewer and the malfunctioning or inadequacy of the private sewage disposal system serving such building or premises gives rise to an unsanitary condition, threatening or causing a nuisance, the chief medical director or authorized personnel of the department of health shall serve written notice upon the owner, occupant or agent of the owner, of the building or premises, requiring a connection to the public sewer within a specified period of time, which shall reasonably take into consideration the circumstances of such owner, occupant or agent, but which shall primarily reflect the public health exigencies involved. Such connection shall be at the expense of the owner, occupant or agent.

c. In the event that the connection is not made within the time specified by the chief medical director or authorized personnel of the department of health, the building or premises may not be occupied pending such connection, and the owner, occupant or agent shall be guilty of a violation of this code. (Prior code § 20-1-160).

3. Temporary facilities for construction workers. Temporary sanitary facilities constructed according to regulations of the department of health shall

be provided for workers engaged in the construction of commercial, industrial or public works projects. (Prior code § 20-1-165).

4. Septic tanks-testing by department of health. Authorized personnel of the department of health shall have the right to enter upon any premises upon which is located septic tanks or drainage or disposal fields, and they shall be empowered to examine and inspect all such septic tanks and drainage and disposal fields, and to test such facilities by putting dye into the plumbing fixtures which they serve. Whenever such septic tanks, drainage or disposal fields are found to be in an unsanitary condition and to constitute a public health nuisance, the same shall be condemned upon action by the chief medical director, and the owner, occupant or agent shall put such premises in a sanitary condition and abate such nuisance within the time stated upon the written notice served upon him by the chief medical director or his authorized representative. (Prior code § 20-1-161).

5. Privies permitted when. a. Privies shall not be used in the urban services district unless the chief medical director, in writing, authorizes the construction and temporary use of a privy for a stated period. Elsewhere, privies shall only be constructed according to the regulations of the department of health.

b. No privy shall be maintained or used so as to create a nuisance or health hazard. The storage pit of any privy shall be covered and protected so as not to be exposed to the outer air. It is unlawful to pollute a well or water supply system or to discharge sewage on surface of ground level. The privy shall be protected against rodents, insects and other pests. When a privy is not longer in use, it shall be thoroughly cleansed, so that it will not cause a nuisance or health hazard, and it shall be filled in so as to prevent accidents. (Prior code § 20-1-162).

6. Runoff of contents unlawful when. It is unlawful for any person to draw off or allow to run on any ground, street or alley in the metropolitan government area the contents or any part thereof of any vault, privy, cesspool or place where animals or fowl are kept. Any person so offending or failing to comply with this section after seventy-two hours' notice from the department of health to abate the same shall be deemed guilty of a violation of this code. (Prior code § 20-1-163).

7. Discharge of waste into any body of water-permit required.

a. It is unlawful for any person to dispose of human waste, household waste, business waste or industrial waste, or to pipe or transmit sewage or effluent from any septic tank or other sewer system of any type into any stream, river, lake, pond, marsh, watercourse, waterway, well, cave, sinkhole, open ditch, spring, irrigation or drainage system, or any body or accumulation of water, surface or underground, natural or artificial, public or private, without having first obtained a permit issued by the metropolitan board of health. The board of health is authorized to promulgate such rules and regulations pertaining to the

issuance of such permit as it deems necessary to insure that the health of the residents of the metropolitan government is protected.

b. Any person violating any of the provisions of this section shall, upon a judgment of guilty thereof, be penalized not less than nor more than one hundred dollars for each offense. Each day that such condition shall exist shall constitute a separate offense. (Prior code § 20-1-164). (as added by Ord. #97-62, Sept. 1997)

CHAPTER 5

SEWER BILLING AND COLLECTION

SECTION

- 18-501. Owner responsible for sewer.
- 18-502. Schedules of rates.
- 18-503. Monthly bills.
- 18-504. Billing for sewer service not utilized.
- 18-505. Billing when meter is inoperative or inaccurate.
- 18-506. Delinquent bills.
- 18-507. Tampering with meters, reconnecting service.
- 18-508. Cash deposits for service.

18-501. Owner responsible for sewer. It is hereby declared the policy of the City of Ridgetop that the owner or owners of real property within the city shall be the sole party who may secure sewer service from the City of Ridgetop, and such owner or owners shall be responsible for the payment of all obligations incurred as a result of receiving sewer service from the City of Ridgetop for their property, including the payment of all monthly sewer bills and other sewer charges. Application for sewer service must be made by the owner of the property for which service is sought. (as added by Ord. #99-98, Sept. 1999)

18-502. Schedules of rates.¹ All sewer service shall be furnished under such rate schedules as the board of mayor and aldermen may from time to time adopt by appropriate ordinance. No sewer service shall be rendered free of charge to any person, firm, corporation, association, institution, church, government or entity or to the City of Ridgetop. (as added by Ord. #99-98, Sept. 1999)

18-503. Monthly bills. The determination of the usage for sewer service shall be by utilizing the number of gallons of water used monthly as evidenced by the reading on the water meter servicing the premises for which sewer is provided. Bills shall be rendered on a monthly basis and shall be due and payable from and after the date on which such sewer bills are rendered. The city shall have the right to read the water meters directly for the properties receiving sewer service, or may utilize meter records obtained from the water utility. (as added by Ord. #99-98, Sept. 1999)

18-504. Billing for sewer service not utilized. The owner of a property which has a sewer tap and has previously received sewer service shall

¹Rate schedule ordinances are of record in the recorder's office.

be responsible for the payment of the minimum base sewer bill regardless of whether sewer service is utilized during that billing month or whether the premises is occupied. (as added by Ord. #99-98, Sept. 1999)

18-505. Billing when meter is inoperative or inaccurate. In the event any water meter shall be found to be inoperative or grossly inaccurate for any reason, at the end of any billing period, the meter will be reported to the water utility as soon as possible, and the bill for sewer service used during the current period shall be the average of the last six months sewer bills. (as added by Ord. #99-98, Sept. 1999).

18-506. Delinquent bills. That any bill for sewer service that is delinquent a total of seven (7) days after rendition shall not be reconnected until all past due bills shall have been paid in full, together with a reconnection charge of forty dollars (\$40.00) and an additional sixty dollars (\$60.00) after hour reconnection charge only by appointment. (as added by Ord. #99-98, Sept. 1999, amended by Ord. #2004-109, Jan. 2005, and replaced by Ord. #2016-107, May 2016 *Ch4_5-21-19*)

18-507. Tampering with meters, reconnecting service, etc. It shall be unlawful for any person or persons to tamper with or make any connection to the sewer system without permission from the City of Ridgetop, or to reconnect water or sewer service when it shall have been disconnected for nonpayment of a bill for service, and until such bills have been in full, including the reconnection fee. The penalty violation of this section shall be considered the General Penalty Clause of the City of Ridgetop for each day's violation. Any fines collected shall go into the sewer fund. (as added by Ord. #99-98, Sept. 1999)

18-508. Cash deposits for service. In that it is the policy of the City of Ridgetop that the property owner is responsible for the payment of all obligations for sewer service to the City of Ridgetop, no cash deposits shall be required in order to secure initial sewer service. In the event that a property owner is found delinquent in the payment of sewer service and as a result of the delinquency service has been terminated, in that event the property owner shall be required to post a deposit of in an amount equal to the last three months active sewer service as a security deposit for payment of all further sewer obligations. The posting of a security deposit shall be in addition to the personal guaranty of the property owner or owners for the payment of sewer service to the City of Ridgetop. The security deposit may be applied against any future delinquent bills which remain unpaid beyond twenty-five days after the rendering of a sewer bill. The forfeiture of a security deposit for partial payment of a delinquent bill shall not relieve the property owner of the obligation to pay

the remaining portion of any outstanding sewer bill or other sewer service obligation. (as added by Ord. #99-98, Sept. 1999)

CHAPTER 6

ANIMAL AND VEGETABLE FATS, OILS, AND GREASE

SECTION

- 18-601. Removal of fat, oil, and grease.
- 18-602. Administration.
- 18-603. Definitions.
- 18-604. Discharge of FOG.
- 18-605. Interference with the sanitary sewer operation.
- 18-606. Control of FOG.
- 18-607. Grease Control Equipment (GCE).
- 18-608. Installation of GCE.
- 18-609. Maintenance of GCE.
- 18-610. Additives.
- 18-611. Implementation.
- 18-612. Fees.
- 18-613. Permitting.
- 18-614. Enforcement
- 18-615. Severability.

18-601. Removal of fat, oil, and grease. The board of mayor and alderman encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained or washed down drains into the sanitary sewer system. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-602. Administration. Through this ordinance the wastewater manager is hereby directed to implement the provisions of this ordinance. This implementation includes but is not limited to actions such as, plans approval, inspections, and enforcement through city court. Higher levels of enforcement shall be performed by the mayor. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-603. Definitions. In the interpretation and application of this ordinance the following words and phrases shall have the indicated meanings:

- (1) "Best Management Practices (BMPs)" means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this ordinance.
- (2) "Fats, Oils, and Grease (FOG)." Organic polar compounds derived from animal and/or plant sources. If lab testing is required to quantify the amount of FOG, the hexane extractable material test is to be used or an equivalent 40 CFR 136 approved method.

(3) "Food Service Establishment (FSE)." Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the sewer manager. FSEs are classified as follows:

(a) Class 1: Deli engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.

(b) Class 2: Limited-service restaurants (a.k.a. fast food facilities) as defined by NACIS 722513 except fast food with a food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system, and catering as defined by NACIS 722320.

(c) Class 3: Full-service restaurants as defined by NACIS 722110.

(d) Class 4: Buffet and cafeteria facilities as defined by NACIS 72212.

(e) Class 5: Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.

(4) "Grease, brown." Fats, oils, and grease that are discharged to the grease control equipment.

(5) "Grease, yellow." Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

(6) "Grease Control Equipment (GCE)." A device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering into the sanitary sewer system. GCE includes grease traps and grease interceptors or other devices approved by the sewer manager.

(7) "Grease interceptor." An interceptor whose rated flow exceeds fifty (50) gallons per minute (gpm) and is located outside the building.

(8) "Grease trap." An interceptor whose rated flow is fifty (50) gpm or less and is typically located inside the building.

(9) "Grease recycle container." A container used for the storage of yellow grease for recycling.

(10) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

(11) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

(12) "Tee (influent & effluent)." A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

(13) "Black water." Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

(14) "Gray water." Refers to all other wastewater other than black water.

(15) "Sewer manager." The city official or employed charged with the responsibility of implementing this ordinance.

18-604. Discharge of FOG. City municipal code § 18-402, "No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW (sanitary sewer system of Ridgetop)." Prohibited discharges include, "Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) or one hundred fifty degrees Fahrenheit (32°-150°F) or zero to sixty five degrees Celsius (0° to 65° C). (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18.605. Interference with the sanitary sewer system operations. Any user who discharges animal and vegetable fat, oil, and grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified in § 18-613 and may be billed for cleanup charges incurred by the city when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-606. Control of FOG. (1) All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of restaurant industry best management practices such as those published by the National Restaurant Association. See: <http://www.foodserviceresource.com>. If best management practices fail to prevent sanitary sewer system interferences Class 1 FSEs shall install grease control equipment (GCE) as specified in § 18-605, or by the superintendent.

(2) All new Class 2-5 FSEs shall install grease control equipment in sizes specified in § 18-605 or by the superintendent and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.

(3) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the superintendent gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the superintendent that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty (60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) All FSEs with GCE shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.

(5) Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.

(6) Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.

(7) All FSEs shall provide access to city utility personnel (after proper identification) for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-607. Grease Control Equipment (GCE). (1) Minimum acceptable size of GCE is as follows. Larger sizes may be required by the superintendent.

- (a) Class 1: 20 gpm/40 lbs grease trap.
- (b) Class 2: 500 gallon grease interceptor.
- (c) Class 3: 1,000 gallon grease interceptor.
- (d) Class 4: 1,500 gallon grease interceptor.
- (e) Class 5: 2,000 gallon grease interceptor.

(2) Any FSE either new or existing that is found by the superintendent to be interfering with the sanitary sewer system may be asked to install GCE that is larger than the minimum size and take other steps to stop that interference.

(3) Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the superintendent gives written permission stating that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the superintendent that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall have sixty

(60) days to install additional GCE to prevent FOG interference with the sanitary sewer system.

(4) Additionally FSEs that discharge the water from dishwashing machines through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.

(5) Grease traps. These small, under-the-counter units shall be installed according to drawings provided by the superintendent and shall include vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor. (as added by Ord. #2019-106, Dec. 2019 **Ch5_12-19-23**)

18-605. Installation of GCE. (1) Owners/users are responsible for installation of the GCE.

(2) Grease traps shall be installed according to the requirements in § 18-605.

(3) Grease interceptors shall be substantially similar to sample drawings available from the superintendent.

(4) Tanks must be water tight and protected from rainwater inflow and infiltration.

(5) Two (2) access manholes with a minimum of twenty four inch (24") diameter shall be provided, one (1) directly over the influent pipe and Tee and one (1) directly over the effluent pipe and Tee.

(6) Influent and effluent pipes shall be four inches (4") or larger PVC Schedule 40 or stronger.

(7) Influent and effluent pipes shall be equipped with Tee fittings properly positioned as follows. Influent flow shall be directed downward and the Tee shall terminate twenty four inches (24") below the water surface. Effluent Tee shall block all surface grease and terminate twelve inches (12") above the bottom of the unit.

(8) The tank shall be constructed to have two (2) compartments. Two thirds (2/3) of the volume shall be in the influent side and one third (1/3) on the effluent side. A solid baffle wall shall extend from the bottom to within six inches (6") of the top and shall be equipped with a six inch (6") elbow installed in the baffle wall with drawing flow from the influent side of the unit at a depth of twelve inches (12") from the bottom.

(9) Manhole covers shall be of materials and strength to withstand expected surface loads, and secured to prevent accidental entry.

(10) Interceptors shall be located for effective cleaning and not blocked by structures or landscaping.

(11) Interceptor sizes greater than two thousand five hundred (2,500) gallons shall be served by two (2) tanks installed in series. (as added by Ord. #2019-106, Dec. 2019 **Ch5_12-19-23**)

18-609. Maintenance of GCE. (1) Owners/users are responsible for maintenance of the GCE.

(2) Grease traps should be cleaned once every two (2) weeks, or sometimes more often, if the combined depth of FOG and solids exceed fifty percent (50%) of the trap.

(3) Grease interceptors shall be pumped when the layer of FOG and settled solids combined reaches twenty five percent (25%) of the tank depth.

(4) When grease interceptors are pumped, the entire contents, FOG layer, settled solids and water shall be fully removed. No water may be returned to the tank.

(5) Interceptors shall be inspected for deterioration and damage by the waste grease hauler each time the unit is cleaned.

(6) Deteriorated or damaged tanks shall be repaired or replaced within sixty (60) days of notice of such conditions. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-610. Additives. (1) Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes and bacteria. They may be inorganice or organic in origin.

(2) The use of additives is prohibited with the following exceptions:

(a) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.

(b) If a product used can be proven to contain one hundred percent (100%) live bacteria, with no other additives, a request for permission to use the product shall be made to the superintendent. The request must be submitted in writing with a full disclosure material safety data sheet and a certified statement from the manufacture. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-611. Implementation. This ordinance empowers the sewer manager to adopt reasonable operating policies to facilitate the implementation of this ordinance. These policies may include but are not limited to: FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval or disapproval of GCE servlcmg vendors (grease waste haulers), permitting of FSEs, and other operating policies needed to protect the sanitary sewer system from interference from FOG. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-612. Fees. This ordinance empowers the city to establish fees (through a separate fee ordinance) to offset costs associated with the implementation of this ordinance. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees

associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this ordinance. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-613. Permitting. The city may use FSE permits as a way of implementing this ordinance and may further require the permitting or certification of GCE service and pumping vendors. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-614. Enforcement. Violators of this ordinance may be issued FSE permits, cited to city court, general sessions court, chancery court, or other court of competent jurisdiction. Violators may face fines, have water and/or sewer service terminated and the town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this ordinance is declared to be a public nuisance and may result in legal action against the property owner and/or user, and the service line may be disconnected from sewer main. Upon notice by the wastewater manager that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The town may take any or all of the following remedies:

(1) Cite the user to the City of Ridgetop or general sessions court, where each day of violation shall constitute a separate offense.

(2) In an emergency situation where the superintendent has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the superintendent may discontinue water service or disconnect sewer service.

(3) File a lawsuit in chancery court or any other court of competent jurisdiction seeking damages against the user, and further seeking an injunction prohibiting further violations by user.

(4) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

18-615. Severability. If any section, phrase, sentence or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof. (as added by Ord. #2019-106, Dec. 2019 *Ch5_12-19-23*)

TITLE 19**ELECTRICITY AND GAS****CHAPTER**

1. ELECTRICITY.
2. GAS.

CHAPTER 1**ELECTRICITY¹****SECTION**

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the city and its inhabitants under such franchise as the governing body shall grant.² The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1977 Code, § 13-301)

¹Municipal code reference
Electrical code: title 12.

²The agreements are of record in the office of the city recorder.

CHAPTER 2

GAS¹

SECTION

- 19-201. Schedule of rates.
- 19-202. Monthly bills.
- 19-203. Billing when meter is inoperative.
- 19-204. Delinquent bills.
- 19-205. Tampering with meters, reconnecting service, etc.
- 19-206. Cash deposits for service.
- 19-207. Natural gas infrastructure fee system.
- 19-208. Excess Flow Valve (EFV) customer requested.

19-201. Schedule of rates.² (1) That the rates for gas service to the customers of the City of Ridgetop Gas System be charged and assessed on a pro rata basis determined by the proportionate share of natural gas used by each customer as compared to the total gas usage by the entire gas system per month, including cost of actual gas purchased, transportation costs, storage costs and other incidental costs of purchased gas plus the operational cost of eight dollars and twenty cents (\$8.20) per each MCF (one thousand (1,000) cubic foot) of gas sold and a minimum monthly rate of ten dollars (\$10.00) per customer.

(2) Each month the total cost will be billed to each customer per one hundred (100) cubic foot basis, including the full cost of purchased gas plus the operational cost. (1977 Code, § 13-201, as replaced by Ord. #2013-104, June 2013 *Ch4_5-21-19*, and Ord. #2016-115, Nov. 2016 *Ch4_5-21-19*)

19-202. Monthly bills. All gas meters shall be read monthly and bills rendered monthly based on such reading. All bills shall be due and payable from and after the date on which such bills are rendered. (1977 Code, § 13-202)

19-203. Billing when meter is inoperative. In the event any meter shall be found to be inoperative at the end of any billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible and the bill for natural gas used during the current period shall be the average of the last three monthly bills. (1977 Code, § 13-203)

¹Municipal code reference
Gas code: title 12.

²Administrative ordinances and resolutions are of record in the recorder's office.

19-204. Delinquent bills. That any bill for gas service that has been disconnected for delinquency for a total of seven (7) days after rendition or disconnection by request of customer shall not be reconnected until all past due bills shall have been paid in full, together with a reconnection charge of forty dollars (\$40.00) and an additional sixty dollars (\$60.00) after hour reconnection charge only by appointment. (1977 Code, § 13-204, as replaced by Ord. #2004-101, March 2004, amended by Ord. #2004-108, Jan. 2005, and replaced by Ord. #2016-109, May 2016 *Ch4_5-21-19*)

19-205. Tampering with meters, reconnecting service, etc. It shall be unlawful for any person or persons to tamper with or change any gas meter, or to make any connection to the system without permission from the town, or to reconnect service, when it shall have been disconnected for non-payment of a bill for service, until such bill shall have been paid in full, including the reconnection fee. (1977 Code, § 13-205)

19-206. Cash deposits for service. The following prospective subscribers for gas services, before connection, shall file a cash deposit in the amount of twenty-five dollar (\$25.00) with the city clerk as security for the prompt payment of all accounts:

- (1) Home owners,
- (2) Business establishments,
- (3) All home owners and business establishments that have not previously made security deposits and have subsequently sold or disposed of such serviced property and have acquired new locations or homes.

Rental property shall require a meter deposit of \$350.00¹. The deposit must be accepted in the office of the city clerk before the service can be turned on.

All other applicants for service shall as a condition precedent to connection file a sixty dollar (\$60.00) security deposit with the city clerk.

All security deposits of the subscriber with the system shall be returned to the subscriber upon termination of services provided that all charges due the town shall have been paid, but in the event a subscriber shall become in arrears in such charges, then such deposit shall be used in whole or in part, in the liquidation of same, and the deposit by the subscriber shall be his consent to such use in such event.

All security deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in a charge, in which event the deposit may be withdrawn

¹Ordinance #98-73 provides further that:

"All rental properties business & residential shall require immediate deposit of \$350.00."

from the special account and applied to the payment of the delinquent charge. (1977 Code, § 13-206, as amended by Ord. #80-1, June 1980, and Ord. #98-72, _____)

19-207. Natural gas infrastructure fee system. (1) A Ridgetop Natural Gas Infrastructure, non-returnable fee of three hundred dollars (\$300.00) shall be due by any entity requesting installation of a new gas service. This will include new construction (residential and commercial) and existing residences that currently do not have gas service.

(2) The Ridgetop Natural Gas System will charge for the cost of installing the new gas service at the rate of two dollars and fifty cents (\$2.50) per linear foot of run, of open trench or open ditch type burials, utilizing a nominal diameter of three quarter inch (3/4") to one inch (1") polyethylene (PE) pipe. In order to lower the costs of this charge the gas system offers the following program.

(3) The Ridgetop Natural Gas System shall charge and shall bill to the customer the cost of installing new gas service with a nominal diameter exceeding one inch (1") polyethylene (PE) pipe in the following manner:

(a) Cost of polyethylene (PE) pipe, fittings, tracer wire, detectable warning tape in addition to or plus (+) two dollars (\$2.00) per linear foot of run, of an open trench or open ditch type burial

(b) Cost of boring, drilling, punching, under a roadway, street or any driveway shall be payable by the entity requesting service

(c) Cost of open trench or open ditch type burial onto or across a roadway, street or driveway, including any concrete, asphalt or gravel disturbed by such action shall be payable by the entity requesting service

(4) The Ridgetop Natural Gas System shall charge and shall bill to the customer the cost of installing the new gas service providing the entity requesting service wants to open the trench or open the ditch at a depth of thirty six inches (36") at customer expense, at the rate of one dollar and fifty cents (\$1.50) per linear foot of run for polyethylene (PE) pipe up to and including a nominal diameter of one inch (1").

(a) Polyethylene (PE) pipe greater than a nominal diameter of one inch (1") shall be at the rate of one dollar and fifty cents (\$1.50) per linear foot of run in addition to the cost of said nominal diameter of PE pipe, fittings, tracer wire and detectable warning tape being utilized.

(5) The Ridgetop Natural Gas System will not be responsible for finish grades or ditches settling when service is requested on a new or existing structure. If leak repairs are made on service lines the Ridgetop Gas System "will" be responsible for finish grade.

(6) The Ridgetop Natural Gas System shall charge a fee of two hundred and fifty dollars (\$250.00) to the land owner or (contractor, if known) whom covers a gas line stub out with earth or by any other method to which a locate of the underground gas line stub out is required. (as added by Ord. #2006-

118, Nov. 2006, amended by Ord. #2007-112, Nov. 2007, and replaced by Ord. #2016-108, May 2016 ***Ch 4_5-21-19***, Ord. #2017-101, Feb. 2017 ***Ch 4_5-21-19***, Ord. #2018-106, Nov. 2018 ***Ch 4_5-21-19***, and Ord. #2019-103, May 2019 ***Ch 4_5-21-19***)

19-208. Excess Flow Valve (EFV) customer requested. (1) Per Federal mandate, 49 CFR part 192 (192.383 and 192.385) effective April 14, 2017; Ridgeway Natural Gas is required to offer the installation of an EFV to all gas customers whom do not have an EFV already installed on their gas service line from the main line. The board of mayor and alderman and per 192.383(d) have determined the cost of this customer requested EFV shall be paid by the gas customer at the following rates:

(a) Installation of an EFV (per 192.383) in a residential district with a gas flow below one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a steel service line shall be one thousand three hundred eighty dollars (\$1,380.00) which shall include the labor and EFV only. Additional material costs (such as fittings) shall be billed to the customer at actual cost of the material.

(b) Installation of an EFV (per 192.383) in a residential district with a gas flow below one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a plastic (poly-ethylene-PE) service line shall be five hundred forty five dollars (\$545.00) which shall include the labor and EFV only. Additional material costs (such as fittings) shall be billed to the customer at the actual cost of the material.

(c) Installation of an EFV (per 192.383) in a commercial or light industrial district with a gas flow "below" one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a steel service line shall be one thousand three hundred eighty dollars (\$1,380.00) which shall include the labor and EFV only. Additional material costs (such as fittings) shall be billed to the customer at actual cost of the material.

(d) Installation of an EFV in a commercial or light industrial district with a gas flow "above" one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a steel service line shall be one thousand three hundred dollars (\$1,300.00) which shall include the labor only. In addition to; per 192.385 a required manual service line cut off valve (e.g. curb stop) shall be billed to the customer at the actual cost of said valve and valve riser. Additional material costs (such as fittings) shall be billed to the customer at actual cost of the material.

(e) Installation of an EFV (per 192.383) in a commercial or light industrial district with a gas flow "below" one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a plastic (poly-ethylene-PE) service line shall be five hundred forty five dollars (\$545.00) which shall include labor and EFV only. Additional material costs (such as fittings) shall be billed to the customer at actual cost of the material.

(f) Installation of an EFV in a commercial or light industrial district with a gas flow "above" one thousand (1,000) SCFH (Standard Cubic Feet per Hour) with a plastic (poly-ethylene-PE) service line shall be five hundred dollars (\$500.00) which shall include labor only. In addition to; per 192.385 a required manual service line cut off valve (e.g. curb stop) shall be billed to the customer at the actual cost of said valve and valve riser. Additional material costs (such as fittings) shall be billed to the customer at actual cost of the material. (as added by Ord. #2019-103, May 2019 ***Ch4_5-21-19***)

TITLE 20**MISCELLANEOUS****CHAPTER****1. RULES AND REGULATIONS FOR THE RIDGETOP CITY PARKS.****CHAPTER 1****RULES AND REGULATIONS FOR
THE RIDGETOP CITY PARKS****SECTION**

- 20-101. Ridgetop park facilities.
- 20-102. General rules and regulations; Pioneer Park.
- 20-103. Ridgetop Station Park.
- 20-104. Ridgetop parks lease and reservation agreement.
- 20-105. Schedule of fees.
- 20-106. Ridgetop Parks clean up/damage deposit forfeiture schedule.
- 20-107. Rules and regulations.
- 20-108. Visitor's rules and regulations.
- 20-109. Application for permit to use city facilities.
- 20-110. Meetings, etc.
- 20-111. Fund raisers.
- 20-112. Class fees and charges.
- 20-113. Guidelines for classes.
- 20-114. Request forms.
- 20-115. Wilson House at Ridgetop Station Park.

20-101. Ridgetop park facilities. (1) Pioneer Park, 316 Cobb Street, Ridgetop, TN: (a) The transition of an abandoned school yard into a functional city park was the dream of Bob Robb. When a group of civic-minded neighbors pitched in, the dream began to come true.

(b) The four (4) acre park was the former grounds for the Ridgetop School, and then used by the civil defense. After use by the civil defense, there wasn't enough money for maintenance and upkeep. Since the school's demise, about 1950, Bob Robb, a Ridgetop City Commissioner, had a plan to make the campus into a community park. With the help of Mary Hall, an artist, the plan was put on paper.

(c) Ridgetop Pioneer Park, established about 1983, boasted a gazebo, a large picnic shelter, swings, slides, and a playground for children and the Bluebird Walking Trail. Also on the grounds, although not a part of the park, was a shelter for the city's fire engine.

(d) Construction of the park, which cost an estimated twenty thousand dollars (\$20,000.00), was financed through revenue sharing and by local donations. In all, more than three hundred (300) hours of time were volunteered to make the park a reality.

(e) The park, a tribute to one man's dream and a community's united effort, was dedicated during Ridgetop's Homecoming '86 ceremonies on Memorial Day weekend.

(f) Park facilities include:

Pavilion - Thirty feet by forty feet (30' X 48') with electric outlets

Includes six (6) each eight foot (8') tables seating a total of forty-eight (48) people

Two (2) additional picnic tables in park

Charcoal grills

One (1) gazebo

Volleyball/badminton net

Basketball goal

Walking trail

Children's playground

Park is lit by street lights around park.

(2) Ridgetop Station Park, 1954 Woodruff Avenue, Ridgetop, TN 37073. (a) Mrs. Wilson, a widow, and her children decided it was time to move from the ten (10) room older home. The Mayor of Ridgetop caught wind of the possible sale of Mrs. Wilson's home and land, thus requesting a meeting with Mrs. Wilson and her son, Chuck.

(b) After discussion among the mayor and aldermen, there was a vision of preserving some of the heritage of Ridgetop. Discussions (pro and con) with the city officials, the citizens of Ridgetop and Mrs. Wilson's family led to the land becoming the Ridgetop Station Park in March, 2006.

(c) With limited time, a park board (volunteers) was formed, two (2) grants (for money from the State of Tennessee) were written and submitted. In August, 2006, the City of Ridgetop was granted four hundred thousand dollars (\$400,000.00) from the Tennessee Department of Environment and Conservation for the development of the new park.

(d) Park facilities include:

Thirty-two foot (32') Octagon Pavilion

One-third (1/3) mile walking trail

Children's playground

Smoke house

Garden house

Caboose

Restroom facilities

Parking facilities. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, Ord. #2009-102, Aug. 2009, and Ord. #2009-106, Oct. 2009)

20-102. General rules and regulations. (1) Pioneer Park. Hours of operation: 7:00 A.M. until 10:00 P.M. (weather permitting).

(2) These rules have been established in an effort to make the park a safe and clean place. If a person does not comply with the dress code and rules, they may be denied the use of the facilities and may be suspended.

- (a) Shirts and shoes must be worn at all times.
- (b) Cursing and obscene language will not be tolerated.
- (c) No dunking on the basketball goals.
- (d) One way running or walking around trail. (Please stay in single file order.)
- (e) Possession of alcoholic beverages and/or narcotic drugs, as well as consumption of these substances, is prohibited in the park system.
- (f) Gambling is not permitted.
- (g) Children under eight (8) must be accompanied by an adult.
- (h) The following offenses will result in suspension for the following length of time:

<u>Offense</u>	<u>Length of Suspension</u>
(i) Fighting: 17 and under	
1st offense	1 month then bring a parent or legal guardian to meet with the city for permission to return.
2nd offense	6 months then bring a parent or legal guardian to meet with the city for permission to return.
3rd offense	1 year then bring a parent or legal guardian to meet with the city for permission to return.
Fighting: 18 and older	
1st offense	1 year minimum.
2nd offense	5 year minimum.
3rd offense	No limit.
(ii) Hanging on rim or net	1 month.

<u>Offense</u>	<u>Length of Suspension</u>
(iii) Dunking	1 month.
(iv) Profanity	1 warning, then 1 month.
(v) Trespassing (someone who is currently under suspension)	Must bring a parent or legal guardian to meet with the city for permission to return.
(vi) Misuse of equipment	1-2 weeks.
(vii) Disrespect to employees	1 month.
(viii) Vandalism	1 month, then bring a parent or legal guardian to meet with the city for permission to return.
(ix) Disorderly conduct	1 month, then bring a parent or legal guardian to meet with the city for permission to return.
(x) Drugs/alcohol	1 year, then bring a parent or legal guardian to meet with the city for permission to return.
(xi) Gambling	1 month, then bring a parent or legal guardian to meet with the city for permission to return.

(i) Only city employees and city officials are permitted in the office area.

(j) Phone calls in the office are restricted to city employees. All other calls must be authorized by an employee.

(k) No obscenities on clothing are allowed in the facilities; includes but not restricted to curse words, nudity, vulgar signs.

(l) All parking is on a "first come, first served" basis.

(m) The use of tobacco products is prohibited inside any structure within the city parks (house, pavilion, gazebo, etc.).

(n) Any sexual conduct within the city parks is prohibited. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-103. Ridgetop Station Park. (1) Hours of operation: 7:00 A.M. until 10:00 P.M. (weather permitting).

(2) These rules have been established in an effort to make the park a safe and clean place. If a person does not comply with the dress code and rules, they may be denied the use of the facilities and may be suspended.

- (a) Shirts and shoes must be worn at all times.
- (b) Cursing and obscene language will not be tolerated.
- (c) No dunking on the basketball goals.
- (d) One way running or walking around trail. (Please stay in single file order.)
- (e) Possession of alcoholic beverages and/or narcotic drugs, as well as consumption of these substances is prohibited in the park system.
- (f) Gambling is not permitted.
- (g) Children under eight (8) must be accompanied by an adult.
- (h) The following offenses will result in suspension for the following length of time:

<u>Offense</u>	<u>Length of Suspension</u>
(i) Fighting: 17 and under	
1st offense	1 month then bring a parent or legal guardian to meet with the city for permission to return.
2nd offense	6 months then bring a parent or legal guardian to meet with the city for permission to return.
3rd offense	1 year then bring a parent or legal guardian to meet with the city for permission to return.
Fighting: 18 and older	
1st offense	1 year minimum.
2nd offense	5 year minimum.
3rd offense	No limit.
(ii) Profanity	1 warning, then 1 month.
(iii) Trespassing (someone who is currently under suspension)	Must bring a parent or legal guardian to meet with the city for permission to return.
(iv) Misuse of equipment	1-2 weeks.
(v) Disrespect to employees	1 month.

<u>Offense</u>	<u>Length of Suspension</u>
(vi) Vandalism	1 month, then bring a parent or legal guardian to meet with the city for permission to return.
(vii) Disorderly conduct	1 month, then bring a parent or legal guardian to meet with the city for permission to return.
(viii) Drugs/alcohol	1 year, then bring a parent or legal guardian to meet with the city for permission to return.
(ix) Gambling	1 month, then bring a parent or legal guardian to meet with the city for permission to return.

(i) Only city employees and city officials are permitted in the office area.

(j) Phone calls in the office are restricted to city employees. All other calls must be authorized by an employee.

(k) No obscenities on clothing are allowed in the facilities; includes but not restricted to curse words, nudity, vulgar signs.

(l) Permits to use rooms for meeting can be arranged for no longer than one (1) year in advance.

(m) No swimming or wading allowed in creek.

(n) All parking is on a "first come, first served" basis.

(o) No Frisbees, boomerangs, remote control airplanes, etc. allowed near the house. Metal detectors may not be used near the house. Any item found must be turned into city hall.

(p) The use of tobacco products is prohibited inside any structure within the city parks (house, pavilion, gazebo, etc.).

(q) Any sexual conduct within the city parks is prohibited. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-104. Ridgetop parks lease and reservation agreement.

Date: _____

Name of group or individual: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Alt. Phone: _____

Park Requested (Name of Park and specific area within that Park):

Function: _____ # Attending: _____

Date(s): _____ Time: _____

Fee: _____ Deposit: _____ Due: _____

I HAVE READ AND UNDERSTAND THE FACILITY RESERVATION AGREEMENT. I AGREE TO ABIDE BY ALL RULES AND FEES LISTED IN THIS AGREEMENT.

Name of person responsible: _____
(Please Print Name)

Sign: _____ Date: _____

Deposit received: _____ Returned: _____

By signing this agreement you indicate that you understand and will abide by the rules. Failure to do so will result in the denial in any future attempts to reserve facilities from the Ridgetop Parks Department.

White: City Yellow: Deposit Pink: Reservation Permit
(as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-105. Schedule of fees.

Pioneer Park Fees

In city residents	\$30.00/day
Out of city residents	\$50.00/day

Plus a \$25.00 refundable clean up fee

Ridgetop Station Park

In city residents	\$50.00/day
Out of city residents	\$75.00/day

Plus a \$25.00 refundable clean up fee

(as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-106. Ridgetop parks clean up/damage deposit forfeiture schedule. (1) Note: Ridgetop parks staff will complete a reservation checklist form at the end of scheduled reservation. Compliance or violations of rules will be determined and noted on the form at that time. Should any violations exceed the twenty-five dollar (\$25.00) clean up/damage deposit fee on file, you will be billed by the City of Ridgetop for additional payment.

No show for reservation	Full deposit
Late to arrive for reservation time	Hourly rate every 15 minutes
Late to leave for reservation time	Hourly rate every 15 minutes
Facility left unclean	Full deposit
Trash not placed in trash cans	
Drinking or possession of alcoholic beverages	Full deposit
Destruction or damage to facility	Billed for repair or replacement
Other unspecified damage	Billed for repair or replacement

(2) The city reserves the right to designate the location of any tents which are erected, regardless of whether they are furnished by the city or the renter. The fee for erecting a tent furnished by the renter will be two hundred fifty dollars (\$250.00) on any tent over the size of twenty feet by twenty feet (20' x 20').

(3) The city reserves the right to designate the location of any stages which are erected, regardless of whether they are furnished by the city or the renter. The fee for erecting a stage furnished by the renter will be one thousand dollars (\$1,000.00).

(4) Fundraising events will be charged a one hundred dollar (\$100.00) per day fee in addition to any other fees which may apply.

(5) Any event using sound amplification will be charged a one hundred dollar (\$100.00) per day fee in addition to any other fees which may apply.

(6) Food, beverage and/or merchandise sales will be charged a one hundred dollar (\$100.00) per day fee in addition to any other fees which may apply.

(7) Participation fee including run/walks will be charged a one hundred dollar (\$100.00) per day fee in addition to any other fees which may apply.

(8) These fees are at the discretion of the park board. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-107. Rules and regulations. (1) Reservation fee and deposit (if needed) must be paid within three (3) working days from the date reservation is made or the reservation will be cancelled.

(2) Cancellation policy. The full reservation fee will be refunded with a two (2) week notification prior to the event. One-half (1/2) of the reservation fee will be refunded with one (1) week notification prior to the event. There will be no refunds given due to bad weather.

(3) You must have the pink copy of the reservation agreement with you to utilize the reserved park facilities. Use the shelter only the hours you have reserved. There is a thirty (30) minute span of time between shelter reservations. If someone is using the shelter when you arrive, show your agreement to them and politely ask them to leave. If they refuse to leave, notify city hall (615) 859-0596 or police officer (615) 384-7971.

(4) You must arrive and depart for your scheduled reservation on time or inform city hall at (615) 859-0596 twenty-four (24) hours in advance of any change in reservation time.

(5) Please leave the shelter the way you found it. If anything is damaged please notify city hall (615) 859-0596 or emergency contact (615) 642-1845 immediately. If not, you will be responsible for it.

(6) Decorating, setup, break down, and clean up need to be included in rental time.

(7) No active games or sports maybe conducted inside shelters; you must go outside to do so.

(8) There is to be no gambling, drinking, or possession of alcoholic beverages and/or narcotics in any of the facilities.

(9) School group shelter reservation/cancellation:

(a) Should a school group call in advance and cancel shelter reservations prior to the day of scheduled reservation, a full refund will be issued.

(b) If the weather is cloudy on the day of the school group's reservations, the school is encouraged to use the shelter. The school will not receive a refund for cloudy weather.

(c) If it is raining on the day of a school group's reservation, a full refund will be issued.

(10) There is a twenty-five dollar (\$25.00) charge for checks returned due to insufficient funds. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-108. Visitor's rules and regulations. (1) General rules.

- (a) Horseplay is not permitted on trails.
- (b) Abusive language is not permitted.
- (c) Food, drink, and smoking are permitted in the grass area.
- (d) No alcohol of any kind allowed.
- (e) No unattended children under thirteen (13) years of age are permitted.
- (f) Children seven to twelve (7-12) years old must be attended by a person thirteen (13) years of age or older.
- (g) One (1) adult per ten (10) children is required for all groups.
- (h) The city is not responsible for lost or stolen articles.
- (i) No public display of affection is permitted.
- (j) Use receptacle for all trash, do not litter.
- (k) No one under the age of eighteen (18) shall smoke.

(2) Aviation. No person shall voluntarily bring, land, or cause to descend or alight within or upon any park, any airplane, flying machine, balloon, parachute, or other apparatus for aviation. "Voluntarily," in this context, shall mean anything other than a forced landing. Any landing other than one caused by mechanical or structural failure of the aircraft or any of its parts, shall be deemed to have been made voluntarily, and this shall include landings caused by error or oversight, negligence or failure to comply with FAA regulations or rulings. No person shall in any park engage in toy aviation, model boating or model automobiling.

(3) These rules have been developed to assist in providing a clean, pleasant, and safe environment for everyone. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-109. Application for permit to use city facilities.**Section I. Applicant And Event Information**

1. Event Organizer/Agency _____
2. Event Organizer/ Agency Address _____

3. Phone (____) _____ Fax (____) _____

4. Organizer's Designated Representative (must sign this Application)

5. Event Promoter (if different from above Group) _____
6. Phone (____) _____ Fax (____) _____
7. Area or Facility Requested (Name of Park and specific area within that Park)

8. Type of Event _____
9. Event Date(s) _____
10. Event Schedule (date and time)
Set up _____
Event Hours _____
Departure _____
11. Anticipated Attendance _____
12. Event Details

Tents Erected?	Yes	No	If yes, how many? _____
Park Roads Closed?	Yes	No	
Fundraising Event?	Yes	No	
Sound Amplification?	Yes	No	
Food/Beverage/Merchandise Sold?	Yes	No	
Stage Erected?	Yes	No	
Walk/Run?	Yes	No	Will participant fee be charged? _____
13. Electrical Requirements (number of circuits and amps) _____
14. Explain the program or event in detail, including location in the park. Using a separate sheet of paper, explain in detail all aspects of the event. Include information about entertainment, concessions, publicity, setup

and strike-down dates, security, trash removal, and other important details relating to the planning of the event.

Section II. Application Instructions and Terms and Conditions For Park Facilities Use

1. **The Permit Application is due not later than ten days from initial contact with Park Personnel. If approved, appropriate fees will be assessed. All base fees due must be paid within two weeks after billing but not less than 24 hours prior to the event. All fees are fully refundable if the event is canceled 30 days prior to proposed event date. No permit will be issued until all necessary paperwork has been completed and all fees paid.** Completed Permit Applications should be submitted to the Ridgetop City Hall.
2. Applications for general park use are accepted one year in advance. The Parks and Recreation Department has first priority in scheduling events in all parks and/or facilities. All dates are reserved on a first come, first served basis. Event dates are not confirmed until all related fees have been paid.
3. Permits for fundraising events may only be requested by persons or organizations that have 501(c)3 status with the IRS. Proof of status is required.
4. A certificate of insurance must be submitted with this Permit Application. The policy must be in force for the duration of the Events and be issued by an insurance company licensed to do business in Tennessee, specifying public liability and property damage insurance with a single limit of not less than one million dollars (\$1,000,000), naming the City of Ridgetop as an additional insured. No permit will be issued unless this certificate has been received. Additional insurance coverage based on the scope of the events may be required.
5. The Parks and Recreation Department prohibits the reservation and use of park facilities by Permittees that discriminate on the basis of age, color, disability, national origin, race, religion, sex, in the admission to, access to, or operation of their programs, services, or activities.
6. Any changes to the Event description submitted with this Permit application must be submitted in writing to the City. Any aspect of the Event not fully described in the Permit Application or an addendum submitted in accordance with this paragraph will not be covered by the permit or allowed in Park Facilities.

7. All events held on Ridgetop Parks property must fit within the following guidelines:
 - a) The proposed activity or use of the Park must not unreasonably interfere with or detract from the general public's enjoyment of the Park.
 - b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - c) The proposed activity or use will not include violence, crime or disorderly conduct.
 - d) The proposed activity or use will not entail extraordinary or burdensome expense or police operation by the city.
 - e) All sales must be pre-approved by the City.
8. Any permit holder utilizing the services of a professional event organizer, promoter or the like must identify that person or organization in writing as per No 5 of the Permit Application.
9. All special events to be held in parks requesting permission to have amplified music will be considered by the Parks Department on a case by case basis. A Park staff member will monitor the event. The staff member shall have the right to request a lowering of sound levels, or to stop the performance if deemed necessary and in the best interest of the Parks Department and the immediate neighborhood.
10. Prior to but not earlier than six hours before each Event, the permit holder must perform an inspection of all Park Facilities to be used and must report in writing to the Parks Department the presence of any damage or trash on the premises. All damage evident or trash remaining on the premises after the Event and not previously and specifically reported to the Parks and Recreation Department as required in the preceding sentence will be considered to have resulted from the Event and must be rectified at the sole expense of the permit holder. Larger events may require that a representative of the Parks Department inspect the Park facilities with the event organizer. This will be determined by the Parks Director.
11. It is the permit holder's responsibility to return the park to the condition it was in prior to the permitted event or pay fees related to returning property to condition prior to event. Permit holders are responsible for ALL clean up after each event. Permit holders are required to post a \$500.00 deposit. **The posting of a deposit does not relieve the Event permit holder from the responsibility for performing all clean up and correcting all damage relating to any Event.** The permit holder

agrees to reimburse the City for all costs incurred in performing cleanup and repairs which, in the judgment of the Parks Department, the permit holder has failed to perform. Cleanup and repair costs shall accrue at the rate of \$20.00 per man-hour, plus the cost of cleaning supplies, basic landscaping materials and the like. The permit holder's deposit will be applied to cleanup and repair costs accruing under this paragraph. In addition, the permit holder agrees to reimburse the City for cleanup, repair and material costs accruing under this paragraph that exceed \$500.00. The unused portion of a deposit, if any, will be refunded to the permit holder.

12. The Department of Parks and Recreation reserves the right to require permit holders to provide, at their expense, as many off-duty Ridgetop Policemen and Emergency Medical Technicians as the Department deems necessary to assure the safety of the public and Park Facilities. A minimum of one (1) Police Officer must be hired at all times to insure the best interest of the Department is adhered to at all times. Arrangements for Police officers will be made through the Ridgetop Police Department.
13. Permit holders must adhere to all ordinances, rules and regulations of the Parks and Recreation Department and the City of Ridgetop. Applicants must obtain all necessary City Permits before a permit for Park use will be issued. The Parks Director will make every effort to inform Event Organizer of all related City Permits based on information in this application. Examples of other necessary permits include: Use and Occupancy Permit, Tent Permit, Health Department Permits, food, beverage and vending licenses, etc.
14. Alcoholic beverages are not allowed in Park Facilities.
15. All signage, advertising, publicity, exhibits or displays to be used must have the prior approval of the Parks Department. Absolutely no banners or flags of any kind are to be flown from Parks Facilities flagpoles.
16. All Events must end not later than 10:00 P.M.
17. Appropriate park personnel and member of the Parks Department must be provided access to Events upon request in order to monitor Event activities and ensure compliance with ordinances, rules and regulations.
18. Parks Department has the authority to revoke a permit upon finding a violation of any rules or ordinances or upon good cause shown.

19. In the event of noncompliance with any provision of these terms and conditions, the Parks and Recreation Department may, in its sole discretion, ban any event sponsor or professional event organizer, promoter or the like from further sponsorship or promotion of any Event in Parks Facilities for a period of two years.
20. The Parks Department will determine the need for portable toilets. The expense will be born by the applicant.
21. The applicant is responsible for the collection and removal of all trash and litter from the park.
22. By submitting a Permit Application, the event organizer agrees to the following additional terms:
 - a) The event organizer will indemnify and hold harmless the City of Ridgetop from any and all claims, damages, costs and attorney fees for injuries or damages arising, in part or in whole, from the organization's use of Parks Facilities and areas describing in this Permit Application and any claims, damages, costs and attorney fees arising from any failure of the organization, its officers, employees and agents to observe applicable laws, ordinances, rules and regulations;
 - b) The event organizer assumes all risk and responsibility for any dangerous or defective conditions on the ground of Park Facilities, whether known or unknown;
 - c) The event organizer agrees to restore Parks Facilities to the condition prior to the Event;
 - d) This document sets forth the entire agreement of the parties;
 - e) A financial statement of the Event proceeds must be mailed within 30 days of Event to the Parks Director;
 - f) The individual executing this document on behalf of the event organizer affirms that he is authorized to do so;
 - g) No modifications of this document shall be valid unless in writing and signed by the Parks Department; and
 - h) Tennessee law shall govern any dispute arising from this document.

 Organization

 Authorized Signature

 Date

 Title

The Ridgetop Parks and Recreation does not discriminate on the basis of age, race, sex, color, religion, national origin or disability in admission to, access to, or operations of its programs, services, or activities. The department does not discriminate in its hiring or employment practices.

(as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-110. Meetings, etc. (1) No person shall erect any structure, stand on platform, hold any meeting, perform any ceremony, make a speech, address or oration, or exhibit or distribute any sign, placard, notice, declaration or appeal of any kind or description, in any park except by permit issued by the department.

(2) Upon application, such permit will be issued unless:

(a) The use for which the permit is sought is of a private or commercial nature; or

(b) The location selected is not suitable because the area is specially landscaped and planted with botanical, flowers, shrub or tree exhibits; or

(c) The location selected is not suitable because it is one of the specialized park use areas; or

(d) The date and time requested has previously been allocated by permit, or would obstruct and interfere substantially with park use and enjoyment by the public.

(3) Whenever a permit is denied by reason of paragraphs (a), (b), or (c) of subsection (2) above, alternative suitable locations and dates shall be offered to the applicant.

(4) Place for open forum: at or near the pavilion at Pioneer Park and Ridgetop Station Park. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-111. Fund raisers. Fund raisers may be held in park facilities. The fund raiser information sheet must be filled out and turned in to the director. Fund raisers must have department approval. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-112. Class fees and charges. (1) Instructors who request to teach such classes as yoga, cake decorating, etc. must pay twenty percent (20%) of each participant's fee or the room rental rate (whichever is greater) to the parks department.

(2) Every specialist and/or group must sign an agreement, specifying the details of their arrangements with the recreation department.

(3) Class proposal and information sheet requiring references are subject to approval by the director of parks and recreation. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-113. Guidelines for classes. (1) Classes and instructor must be approved by the director. The instructor will be notified when the request is accepted or rejected.

(2) Payment of twenty percent (20%) of the gross fee receipts or the regular room reservation rate, whichever is greater, is due prior to the beginning of any class.

(3) Registration and collection of fees will be handled by the class instructor unless the class is sponsored by the department.

(4) Proper maintenance of registration records is required by the instructor. The City of Ridgetop shall have access to registration records to confirm required fee payment.

(5) Telephone registration will be accepted for designated classes only.

(6) A twenty dollar (\$20.00) fee will be charged for all returned checks.

(7) Refunds will be made if classes are canceled.

(8) Refunds must be requested by the participant no later than three (3) working days prior to the starting date of the class. Working days are Monday through Friday excluding holidays.

(9) All refunds for class registration must be documented with a written receipt.

(10) Classes will not meet on city holidays.

(11) Class postponements due to inclement weather or instructor illness will be made up at the end of the class session term. The instructor must notify students of any cancellations. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-114. Request forms.

**RIDGETOP PARKS AND RECREATION DEPARTMENT
CLASS PROPOSAL REQUEST FORM**

Name of Proposed Class: _____

Name of Instructor: _____

Address: _____

Phone Number: _____ (daytime) _____ (evening)

Facility requested for classes: _____

Class date(s) _____ Class Time _____

Fee charge (per participant) _____

Age Classification _____

Program objectives _____

Supplies and space needed _____

References: 1. Name _____ Phone # _____

Address _____

2. Name _____ Phone # _____

Address _____

3. Name _____ Phone # _____

Address _____

Please complete the form and return it to the Ridgetop City Hall. The Parks Director will review the request and notification of the decision will be forwarded to you.

RIDGETOP PARKS AND RECREATION DEPARTMENT
FUND RAISER REQUEST FORM

Facility Requested: _____

Group Name: _____

Fund Raiser Event: _____

Date(s) requested _____ Hours needed _____

Contact Person _____

Address: _____

Phone Number: _____ (daytime) _____ (evening)

Fee(s) charged or donations requested _____

Anticipated collections _____

Description of event _____

Program objectives _____

Supplies and facilities needed _____

State of Tennessee registration number _____

References: 1. Name _____ Phone # _____

Address _____

2. Name _____ Phone # _____

Address _____

3. Name _____ Phone # _____

Address _____

Please complete the form and return it to the Ridgetop City Hall. If this event was held previously, please list the amount of funds collected. The Parks Director will review the request and notification of the decision will be forwarded to you.

Upon approval of the request, immediately forward a Certificate of Insurance (\$1,000,000 liability coverage) with the City of Ridgetop named as an additional insured and a budget of how the money will be distributed to the charity. Note: The event will not be held until a copy of the Certificate of Insurance is on file at the City of Ridgetop.

RIDGETOP PARKS AND RECREATION DEPARTMENT

TENT RENTAL REQUEST FORM

Name of Group _____

Name of party responsible _____

Phone Number: _____ (daytime) _____ (evening)

Street _____

City _____

State _____ Zip Code _____

Date requested _____ Hours needed _____

Facility requested _____

Use of tent (what kind of party) _____

1. The tent may be used for City sponsored functions on City property as needed with the approval of the Director of Ridgetop Parks and Recreation.
2. Requests from individuals and groups:
 - a. May be made in writing to the Director of Ridgetop Parks and Recreation Dept.
 - b. The tent may only be used on City property.
 - c. Tent rental fee is \$1,000.00 per day (city personnel set up and take down).
 - d. A \$250.00 deposit is required and will be refunded if there is no damage.
 - e. No exemption from the fee or the deposit.

Ridgetop Parks Refusal of Treatment Form

Name of patron _____

Address _____

Treatment being refused _____

Signature of Patron (if patron is a minor, parent or adult responsible for the minor; including relationship to minor).

Employee _____

Supervisor on duty _____

Date _____

Attach accident and/or rescue forms describing the incident. (as added by Ord. #2006-117, Nov. 2006, and replaced by Ord. #2009-100, May 2009, and Ord. #2009-106, Oct. 2009)

20-115. Wilson House at Ridgetop Station Park. (1) Guidelines.

(a) Fees and amenities. Fees include use of the ground level only of the house. Renter is responsible for indoor/outdoor set-up, including chairs and tables. Activities on the grounds of the park must be approved by the park board and are subject to park rules and regulations. Rental time includes set up, delivery, and cleaning.

Rental fees:

Monday - Thursday, daytime non-wedding (max. of 8 hours)	\$250.00
Friday - Sunday non-wedding (max. of 8 hours)	\$500.00
Wedding - any day (max. of 12 hours)	\$1,000.00

Holidays (max. of 12 hours)	\$1,500.00
Hourly rental	\$50.00

(b) There is a charge of fifteen dollars (\$15.00) per hour for house host. We require one (1) host per fifty (50) guests. This person is on duty to provide friendly help for guests and to give historical information on the house.

(c) A clean up/damage fee is required. This fee will be equal to one-half (1/2) the total amount of your rental. The city will issue a reimbursement check for the clean up/damage fee within ten (10) days from rental date if everything has been left clean and damage free.

(2) Seating. The maximum total occupancy of the ground floor is one hundred forty-nine (149) people, a maximum occupancy of one hundred two (102) for a seated function and only forty-eight (48) with tables and chairs. Occupancy of each room will be posted. When using porches and the grounds the number is virtually unlimited.

(3) Parking. Parking is limited to parking lot only.

(4) Reservations. We require a deposit of one-half (1/2) of the rental fee to confirm the date. The balance, plus deposit, is due thirty (30) days prior to the event. Evidence of general liability coverage in the form of a "certificate of insurance" for not less than one million dollars (\$1,000,000) is required to rent the property. This requirement, often attainable by an endorsement to homeowner's, business, or renter's insurance, must be received not less than thirty (30) days prior to the event date. The City of Ridgetop is to be named as an additional insured,

(5) Rental equipment. (a) All rental tables, chairs, linens, dishes, silverware, and decorations must be delivered and picked up during your rental period. We do not have storage space. You are responsible for any delivery charges, and for informing your caterer of our policies. Ridgetop Station Park or the City of Ridgetop is not responsible for rental items.

(b) Tents. Tents are allowed on the grounds. However, a permit must be obtained from the Ridgetop Parks and Recreation Department; applications are available at Ridgetop City Hall. You will need to rent tables and chairs for use under the tent. It is necessary to coordinate the location, set-up and removal of tents to be mutually agreeable with all parties renting over a given period of time. The City of Ridgetop is not responsible for the tent, items set-up under or around the tent. We also do not guarantee that your tent will not be used by other persons in the time periods surrounding your rental time.

(6) Cancellation policy. We understand that sometimes it becomes necessary to cancel a scheduled event. Please contact us as soon as possible when you need to cancel. We are able to return one-half (1/2) of the amounts paid when the event is cancelled more than sixty (60) days in advance. Cancellations with less than sixty (60) days' notice do not receive a refund.

(7) Making final event arrangements. (a) We are always happy to coordinate your event arrangements with the caterer or planner of your choice. We are also delighted to meet with you whenever necessary to discuss your plans; however, we ask that you call for an appointment during our regular office hours. We do not grant appointments during events. All plans need to be finalized with our office two (2) or three (3) weeks before your event.

(b) The city host will do a walk thru with you before and after your rental time to address any questions or problems.

(8) Cleaning up. (a) This is a shared responsibility. You are responsible for removing everything your party has brought to the house and park, and cleaning everything. It must be in the same condition as you received it.

(b) Food serving guidelines. You are welcome to use the catering service of your choice. Please inform your caterer of our policies or ask them to call our office for information. We allow food serving throughout the first floor with these exceptions:

(i) Serving tables are not allowed upstairs.

(ii) Dinner seating is not allowed upstairs.

(iii) Food cannot be served from the antique furniture.

(9) Alcoholic beverage policy. Alcoholic beverages are not permitted in the house or on the grounds.

(10) Decorating. You are welcome to use the florist or decorator of your choice. Keep in mind that all decorating needs to be scheduled during your rental times. No decorations may be attached to the walls, woodwork, front doors, front windows or columns on the front porch. Antique furniture cannot be moved. Please protect the furniture when using live florals. On the mantles: candles are allowed only on the main room mantles. All decorations must be removed at the end of your rental time.

(11) Candles. We allow candles and florals on all banquets and serving tables if the flame is covered. Candles are allowed on mantles if the flame is covered. Candelabra for wedding ceremonies must use metal-covered candles. Votives are allowed on the porches, and luminaries are allowed on the walk.

(12) Music and dancing. We do not allow dancing inside the house. You are allowed to dance on the grounds. We allow both live and taped music inside the house. Amplifiers are not permitted.

(13) Wedding guidelines. (a) Wilson House is a very special setting for weddings large and small. We are open for event rental. Rental fee includes use of the house.

(b) This house provides an elegant backdrop for both indoor and outdoor ceremonies. Indoor ceremonies are held in the front parlor with seating capacity of sixty (60). Outdoor ceremonies are held on the lawn or on the front porch. Applications for outdoor activities must be obtained at Ridgeway City Hall.

(c) The following guidelines apply:

(i) Changing rooms are available for the bride and groom's parties. Restrooms are available for the bride and groom. Smoking is not permitted.

(ii) Throwing rice, birdseed, or confetti is prohibited.

(iii) Candelabras may be used only with metal-covered candles. Please use a candlesnuffer.

(iv) Dancing is not permitted inside the house.

(v) Beverage fountains for punch or champagne are not allowed.

(vi) All rental items including catering needs, arches, wedding backdrops, or chairs must be delivered and picked up during your rental times.

(vii) Tents are allowed on the grounds, an application must be obtained at Ridgetop City Hall. Please inform house staff when planning to use a tent. We will need to coordinate the tent placement, installation, and removal to be agreeable for other events. We are not always able to allow early set-up or late removal of tents. Chairs and tables for use under tents are not available at the house and will need to be rented.

(viii) Our address for invitations is: Ridgetop Station Park, 1954 Woodruff Avenue, Ridgetop, TN 37152. Please put your address on the envelope as the return address.

(ix) Our staff is willing to meet with you by appointment.

(d) Rehearsals. (i) We are not always able to grant time for a rehearsal at the house. Whenever possible, we will give one (1) hour of rehearsal time on the day before your wedding, please contact the house staff. We can tentatively schedule a rehearsal when a ceremony is booked, but cannot confirm the rehearsal time until thirty (30) days prior to the date. Due to evening rentals following your rehearsal, the house may not be set up for your ceremony. You may need to rehearse in an adjoining room.

(ii) Tips for a stress-free rehearsal.

(A) Plan your ceremony with the officiate before the rehearsal.

(B) Encourage all participants to arrive on time.

(C) Limit the number of persons attending the rehearsal to the persons actually in the wedding ceremony. Meet other guests at the site of the rehearsal dinner.

(D) Consider bringing a cooler of soft drinks to serve. No alcoholic beverages are allowed during rehearsals.

(E) Take time to show the attendants the location of the changing rooms.

(F) Remind them that smoking is not allowed inside the house.

(14)

Agreement for the Wilson House

I have read the guidelines of the Wilson House and had its contents explained to me. I am aware of the fees and my responsibility concerning the rental of the Wilson House. A copy of this agreement has been given to me.

_____	_____	_____
Responsible Party (Print Name)	Signature	Date

_____	_____	_____
Witness (Print Name)	Signature	Date

(15) Wedding on the grounds excluding the use of the Wilson House.

Monday- Sunday (maximum of twelve (12) hours (to include pavilion - excludes house)	\$500.00	150 people
	\$100.00	for every additional 50 people

This rental fee will include rental of pavilion. A clean up/damage deposit is required. This deposit will be one-half (1/2) the total amount rental. (as added by Ord. #2010-101, July 2010, and amended by Ord. #2013-1012, June 2013 *Ch4_5-21-19*)

ORDINANCE NO. 95-38**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF RIDGETOP TENNESSEE.**

WHEREAS some of the ordinances of the City of Ridgetop are obsolete, and

WHEREAS some of the other ordinances of the City are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Ridgetop, 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 "Ridgetop Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF RIDGETOP, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Ridgetop Municipal Code," hereinafter referred to as the "municipal code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified 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 two hundred fifty dollars (\$250.00) 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

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

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

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. (Ord. #94-25, April 1994)

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 city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading, 6-20, 1995.

Passed 2nd reading, 11-11-, 1996.

A. L. Honeycutt
Mayor

Evelyn Mitchell
Recorder